

By Mr. McMASTER:

A bill (S. 3848) creating the Mount Rushmore national memorial commission and defining its purposes and powers; to the Committee on the Library.

By Mr. MOSES:

A bill (S. 3849) granting an increase of pension to Hattie E. Hall (with accompanying papers); to the Committee on Pensions.

#### PRICE PREDICTIONS OF COTTON, CORN, ETC.

Mr. HEFLIN. Mr. President, on yesterday, when we were discussing the remarkable conduct of the Bureau of Economics in making a prediction as to the price of cotton, it was suggested in the debate by myself and other Senators that there ought to be an act specifically covering that offense, and seeking to prevent its recurrence in the future. I introduce a bill which I should like to have read—it is very short—and then referred to the proper committee.

The bill (S. 3845) to prohibit predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, was read the first time by its title, the second time at length, and referred to the Committee on Agriculture and Forestry, as follows:

*Be it enacted, etc.,* That it shall be unlawful for any officer or employee of any department or other establishment in the executive branch of the Government to include, or cause to be included, in any report, bulletin, or other publication issued by such department or establishment, any prediction with respect to prices of cotton, corn (maize), wheat, rye, oats, barley, flaxseed, or other grain, or to cause to be published any such report, bulletin, or other publication containing any such prediction, or to authorize the publication of any statement or interview containing any such prediction which is based upon information received from official sources. Any such officer or employee who violates the provisions of this act shall, upon conviction thereof, be fined not less than \$10,000 or imprisoned for not more than five years, or both.

#### FUNERAL EXPENSES OF THE LATE SENATOR FERRIS

Mr. COUZENS submitted the following resolution (S. Res. 185), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan, upon vouchers properly approved.

#### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; to the Committee on Education and Labor.

H. R. 12407. An act to authorize the refund of visa fees in certain cases; to the Committee on Foreign Relations.

The VICE PRESIDENT. The morning business is closed.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The morning business having been concluded, under the unanimous-consent agreement the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 35 minutes spent in executive session the doors were reopened.

#### RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 15 minutes p. m.) took a recess until to-morrow, Saturday, March 31, 1928, at 12 o'clock meridian.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate March 30, 1928*

#### MEMBERS OF FEDERAL RADIO COMMISSION

Ira E. Robinson.  
Orestes H. Caldwell.  
Harold A. Lafount.  
Sam Pickard.

#### POSTMASTERS

#### ILLINOIS

William F. Lammers, Buckley.  
James W. Scott, Monmouth.  
Vern L. Shinneman, Weldon.

## HOUSE OF REPRESENTATIVES

FRIDAY, March 30, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we are standing upon the threshold of a new day; it has come to us without a blemish; it is ours for good or ill. May we greet it with a smile, with a heart full of gratitude, and with a trust in Thy Providence. Thou knowest how prone we are to falter. Thy strength and guidance can help us keep it spotless, so this day abide with us. Give us real power to forgive wrongs, to suffer woes, and to love and to bear. Subdue and mellow the flush of passion and bless us with unmeasured peace and wisdom. As we cherish the flower without the blight, so may we appreciate the virtues and the joys of checkered human life. O God, help us to be happy, contented, free, and fearless; then any wrong that beats against us shall be in vain. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; and

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11577. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

The message further announced that the Senate had agreed to the reports of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryland road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.;

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

#### "OUT IN ARIZONA"

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short poem by Mrs. Mayo, wife of Captain Mayo, entitled "Out in Arizona."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, under leave to extend my remarks in the RECORD I include a beautiful poem entitled

"Out in Arizona," written by Mrs. Aida Mayo, a brilliant woman and wife of Capt. Chester Mayo, of the Navy, which is as follows:

"OUT IN ARIZONA"

By Aida Mayo

Out in Arizona,  
Where God is all the time,  
And where you're right within yourself,  
And all seems pure—sublime;  
Where mountain peaks reach skyward  
To kiss the azure blue,  
And the Mariposa lilies are blowing kisses, too;  
Where virile pines keep watching  
Like sentinels of old  
O'er the earth so warm—alluring  
You, upon her bed of gold;  
Where the Indian paint brush,  
The columbine so fair,  
The blue bell and the flame flower,  
Spread a Persian carpet rare;  
Where all the stars in all the world  
Are set up in your sight  
Like diamonds in a chiffon veil  
That search your soul at night—  
'Tis there you know you've found yourself,  
And only this is strife,  
And only there is happiness  
And love, and God, and life;  
That death can ne'er o'ertake you  
Where everything's in tune  
And the harmonies in nature  
Wrap you round, until you soon  
Are thrilled with a new something  
You ne'er have known before,  
Out there in Arizona  
In that land of more and more.

THE WELCH BILL

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Welch salary bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. O'CONNELL. Reserving the right to object, on what subject?

Mr. BERGER. On the Welch bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker and gentlemen, several weeks ago 2,000 or more Federal employees organized themselves into a sort of a "Coxey army" and marched up the Capitol steps to appeal to the committee on reform in the civil service to report favorably the so-called Welch bill, which amends the salary rates contained in the present compensation schedules, and which provides a minimum salary of \$1,500 per annum for all Federal employees.

MANUFACTURERS NEED NO COXEY ARMY TACTICS

I thought it unfortunate, not that these employees adopted Coxey army tactics but that the treatment which they are receiving from the Government of the richest country on the face of the earth should have compelled them to resort to such spectacular tactics to make their plight known.

Had they been manufacturers, bankers, or merchants of the wealthier classes they would not have had to resort to such methods, and, I dare say, their chances of getting what they want would be infinitely better.

WELCH BILL COMES NEARER TO DECENT MINIMUM

The Welch bill will receive my support, and I hope that the committee which has it under consideration will report it favorably, so that the House may have an opportunity of expressing itself on this important measure.

It has my support not because it is all that it should be, but because it is better than what the Federal employees are now getting, and apparently the best that can be gotten at this time.

The minimum it sets, \$1,500 a year, comes closer to what the minimum ought to be, and closer to what it will eventually have to be.

HOW MY MINIMUM SALARY WOULD WORK

I have introduced a bill making the "full minimum" \$2,000 a year.

My idea is to make the entrance salary of a person of legal age \$1,500, but providing for an automatic increase of \$100 a year for a period of five years until the full minimum of \$2,000 is reached.

Thus the employee, entering the Government service at the age of 21 will, on reaching the age of 26, when he might be in a position to assume the obligations of supporting a family, get a minimum salary of \$2,000 a year.

FOR ONLY ONE PERSON IN IMMEDIATE FAMILY

Furthermore, I would provide that only one person in the immediate family of the employee should be eligible for a position in the Government service.

If the basis of the minimum wage is to be the minimum needs of a family, it would be fair to confine it to the head of the family, although either the man or the woman could have that position in the Government service. And either the man or the woman could supplement the earnings of the other by taking private employment if he or she were so inclined.

WELCH BILL DOES NOT REACH DECENT MINIMUM

The obligation of the Government is to pay a salary that will enable its employees to enjoy some of the comforts to which our American standard of living entitles them. Their present wage will not permit them to live in accordance with that standard if they get less than \$1,500 a year—and many of them do.

Even the \$1,500 proposed in the Welch bill as a minimum will not give them that standard, if they have a family to support. And many of them have no families because the wage they get will not permit them to marry.

BEST POLICY FOR GOVERNMENT

I want to deal with the Federal employee justly for several reasons:

In the first place, I want the Government to be a model employer, to set the pace for private employers to follow, and not to bring down the standards so as to justify private employers in paying their employees starvation wages. I believe that it would prove to be best, not only for the worker, but also for the Government.

UP TO CONGRESS TO DO THE FAIR THING

In the second place, workers in private employment can enforce, or can at least make an attempt to enforce, their claims for better working conditions and a higher standard of living through their labor organizations. If they fail to do so, they can only blame themselves, since they can use all the weapons of a trade-union.

Federal employees have no such method at their command. They must rely on our sense of justice, and when we fail to perceive our duty clearly enough all they can do is adopt Coxey army tactics.

That being the case, an obligation is imposed upon us to find out what is their minimum need and give them that minimum.

THE BUDGET OF THE LABOR BUREAU

It does not require a detailed study of present living costs to show that no person can support himself and a family on less than \$1,500 a year.

The Bureau of Labor Statistics recently prepared a budget, which represented the cost of "a minimum of health and decency," for a family of five. The average cost of this budget in 1926 was found to be \$2,432.69.

That budget does not allow for any luxuries. It allows practically nothing for such emergencies as sickness. Little or next to nothing is allowed for vacations. In other words, that budget allows just enough for an existence.

It seems to me that the least we can do is give the Federal employees that low minimum.

GENEROUS WITH OUR "ALLIES" AND OUR CRUISERS

Our Government is usually generous. It has canceled billions of dollars due us from European powers—and did so with less discussion and concern than it manifests over the proposed increase in the salaries of Federal employees. Here we are told that the matter will require some more months of further study.

We have recently passed a naval program, by the terms of which we will spend about \$300,000,000 for cruisers that will be useless for all practical purposes before their construction is completed.

AND EVEN MORE GENEROUS WITH PLUTOCRATS

What is more, we have been generous every time we met in reducing the income taxes of the rich. The Harding-Coolidge administrations have turned back about \$3,000,000,000—three thousand million dollars—not to the workers, who do not earn enough to live right, much less pay an income tax—not to the Government employee, who must skimp every day of the year to make both ends meet; but to the superwealthy, the men and women who already have more than they know what to do with.

But the additional \$60,000,000 for the Federal employees will require some more months of study.



In the present session the House voted to turn back \$225,000,000 to the wealthy. Our Democratic friends felt that this was not enough—that \$400,000,000 ought to be turned back.

And the manufacturers and business men of the Nation got what they were after in this House without marching up and down the Capitol steps. The revenue bill was disposed of in five hours general debate, but better conditions of the Federal employees by a few dollars annually demands many months of additional study.

#### WILL BE THE BEST POLICY FOR THE COUNTRY

It is estimated that if we enact the Welch bill it will add about \$60,000,000 annually to the Government pay roll. That is not so much when we stop to think of some of the other things we have done in this session and in other sessions while the Federal employees continued to struggle.

Let us, for a change, help lift some of the burdens off the shoulders of the poorer class of our population. There will still be enough left to turn back to the wealthy some of their income tax.

And thousands of men and women who now have to deny themselves the ordinary comforts of life and rear their families under conditions that are deplorable will be made happier. In the end this will prove to be the best economy.

#### THE PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, in the consideration of the Private Calendar to-day I ask unanimous consent that the bills be considered in the House as in Committee of the Whole, that the call begin at the star, and that only unobjected bills be considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that in the consideration of the Private Calendar to-day the bills shall be considered in the House as in Committee of the Whole, and that the call shall begin at the star, and only unobjected bills shall be considered. Is there objection?

There was no objection.

#### LEAVE TO ADDRESS THE HOUSE

Mr. CULLEN. Mr. Speaker, I ask unanimous consent that on next Monday, after the reading of the Journal and the disposal of business on the Speaker's table, my colleague Mr. Celler be permitted to address the House for 10 minutes.

Mr. TILSON. Would not the gentleman be willing to make that request for some other day?

The SPEAKER. The Chair would prefer not to recognize the gentleman on Monday.

Mr. CULLEN. Then make it Tuesday.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague [Mr. Celler] on Tuesday morning, after the reading of the Journal and the disposal of business on the Speaker's table, may address the House for 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that on Tuesday, after the reading of the Journal and the consideration of matters on the Speaker's table, following the address of the gentleman from New York [Mr. Celler], I may be permitted to address the House on the national defense for 30 minutes.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that on Tuesday, after the reading of the Journal and the disposal of business on the Speaker's table, following the address of the gentleman from New York [Mr. Celler], he may by special order be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Speaker, I ask unanimous consent that on to-morrow, Saturday, immediately after the reading of the Journal and the disposal of business on the Speaker's desk, I may address the House for 20 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that to-morrow, immediately after the reading of the Journal and the disposal of business on the Speaker's table, he may address the House for 20 minutes. Is there objection?

Mr. SNELL. On what subject?

Mr. HUDSON. On the use of denaturants.

The SPEAKER. Is there objection?

Mr. SNELL. To-morrow we have a long day, with four hours' debate on the import rubber bill. I wish the gentleman would select another day.

Mr. HUDSON. Then, say, on Tuesday.

The SPEAKER. The gentleman modifies his request and asks that on Tuesday next he may be permitted to address the House for 20 minutes after the reading of the Journal and the disposal of business on the Speaker's table, following the address

of the gentleman from South Dakota [Mr. JOHNSON]. Is there objection?

There was no objection.

#### MUSCLE SHOALS

Mr. FROTHINGHAM. Mr. Speaker, I ask unanimous consent that those of us who disagree may put in minority views on the Muscle Shoals bill, H. R. 12448, from the Committee on Military Affairs, and be given five legislative days in which to do so.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GARNER of Texas. I understand, then, that the Muscle Shoals bill will not be brought up within the five-day limit. If we give unanimous consent to the filing of minority views within five legislative days, it will not be expected that the bill will be considered within five days?

Mr. TILSON. It is not expected within five days.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that I may have five legislative days in which to file minority views on the bill H. R. 12448, relating to Muscle Shoals.

The SPEAKER. Is there objection?

There was no objection.

#### NO QUORUM—A CALL OF THE HOUSE

Mr. CHINDBLOM. Mr. Speaker, there is a matter coming to the attention of the House this morning upon which the members of the Committee on Ways and Means think there should be a full attendance. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 62]

Andresen	Dempsey	Kemp	Pratt
Anthony	Dickstein	Kent	Quayle
Ayres	Douglas, Ariz.	Kiess	Ragon
Bankhead	Doyle	Kindred	Rainey
Beck, Pa.	Drewry	Kunz	Rathbone
Beedy	England	Kurtz	Rayburn
Beers	Englebright	Lampert	Robson, Ky.
Begg	Eslick	Langley	Sanders, N. Y.
Bohn	Fort	Larsen	Selvig
Boles	Foss	Lehlbach	Shreve
Bowles	Frear	Lindsay	Spruiell, Ill.
Brand, Ga.	Gallivan	Lozier	Stedman
Brand, Ohio	Garrett, Tenn.	McFadden	Stevenson
Britten	Golder	McLaughlin	Stobbs
Browne	Goldsborough	McSwain	Strong, Pa.
Burdick	Graham	Madden	Strother
Bushong	Hale	Manlove	Sullivan
Campbell	Harrison	Mead	Taber
Canfield	Haugen	Michaelson	Tatgenhorst
Carley	Hersey	Moore, N. J.	Udike
Chase	Hoch	Moore, Ohio	Vinson, Ga.
Cohen	Hogg	Morin	Ware
Cole, Md.	Holaday	Nelson, Me.	White, Me.
Connally, Tex.	Hooper	Norton, N. J.	Wingo
Connolly, Pa.	Hope	O'Connor, La.	Wood
Cooper, Ohio	Houston	O'Connor, N. Y.	Woodruff
Cooper, Wis.	Igoe	Oliver, N. Y.	Yates
Crisp	Irwin	Palmer	Yon
Curry	Jacobstein	Palmisano	
Darrow	Johnson, Wash.	Peavey	
Davey	Kearns	Perkins	

The SPEAKER. Three hundred and twelve Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### WHY REPRESENTATIVE SWICK DID NOT VOTE ON THE HOWARD UNIVERSITY BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for a half minute.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for a half minute. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, on the roll call yesterday on the Howard University bill, I find that Doctor Swick is reported as not voting. I want to say that Doctor Swick was in attendance on a sick colleague in the lobby at the time, and had he been here he would have voted "yea."

## RESIGNATION OF HON. WILLIAM R. GREEN

The SPEAKER. The Chair very regretfully lays before the House the following communication.

The Clerk read the communication, as follows:

MARCH 30, 1928.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Herewith I hand you for presentation to the House copy of a letter which I have sent to the Governor of the State of Iowa tendering my resignation as a Member of this House, to take effect on the 31st of this month. The receipt of this resignation has been duly acknowledged by the governor.

Respectfully yours,

WM. R. GREEN.

MARCH 26, 1928.

HON. JOHN HAMMILL,  
Governor of Iowa.

MY DEAR GOVERNOR: I hereby tender my resignation as Representative in Congress from the ninth district of Iowa, to take effect March 31, 1928.

Very truly yours,

WM. R. GREEN.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker and gentlemen of the House, WILLIAM RAYMOND GREEN is the forty-third chairman of the Committee on Ways and Means in a period of 139 years, and the fourth to serve for more than two Congresses in this office. He served on the committee under three preceding chairmen—Underwood, Kitchin, and Fordney—for a period of 10 years, during which he participated in the preparation of two revenue acts, two tariff acts, the adjusted compensation act, and many others. Prior to his entrance into Congress he was a lawyer for 29 years, during 17 of which he served as judge of the fifteenth judicial district of Iowa. Since the matters that come before the Committee on Ways and Means consist of mixed questions of law and fact, both by training and experience he was qualified in an unusual degree for the chairmanship. His services have justified his election.

He took the chairmanship in a critical period of its history. The country was overburdened with taxation. By a program of biennial revenue acts, great reductions have been effected in taxes and the burden is in the process of fair distribution. The settlement of the debts owing by our associates in the World War involved immense sums of money and corresponding difficulties. The return of alien properties seized during the war and provision for the payment of the claims of our nationals and of those of our former opponents required wisdom and discretion. There were also many other questions of the first importance, including amendments to the adjusted compensation act. These matters affected not only the welfare of our people in their entirety but our international relations as well. They involved our national honor and good faith. Many of them were new in our history and necessitated the development of new policies.

The authority to propose legislation required for the solution of such questions is invested in the Committee on Ways and Means. The chairman is held in a large degree responsible for the wisdom, sufficiency, and advisability of the legislation proposed. Judge GREEN proved equal to the demands of the hour. His abilities as a lawyer and strong natural grasp of complicated tax legislation, as well as of the other questions, have been of the greatest importance to the committee, the Congress, and the country. Judge GREEN has the rare gift of finding the common ground in disputed matters and of proposing solutions that will accomplish the results desired. This has been illustrated many times in the consideration of revenue bills, the legislation for the return of the alien property, and in the amendments to the adjusted compensation act. He also has the faculty for getting things done. By the use of the opportunities for leadership afforded by the chairmanship and by tireless industry, well-informed and clear thinking, and by insistence upon prudent legislation he has notably assisted in the restoration of normal conditions. Each succeeding year has seen a steady and growing prosperity.

He is expert in tax legislation. In 1925 he traveled extensively in Europe, conferring with the chancelleries of the great nations and with those having legislative control of their finances, that he might have more accurate and definite understanding of their solutions of problems similar to our own. The information so gained and the sound conclusions derived by him therefrom have been of very great advantage to us.

The chairmanship of Ways and Means is a noble fellowship. Its roll contains some of the most honored names in American public life. To mention only those of comparatively recent years, there are Dingley, of Maine; McKinley, of Ohio, afterwards President of the United States; Payne, of New York; Underwood, of Alabama; Kitchin, of North Carolina; Fordney, of Michigan; and GREEN, of Iowa [applause]—leaders of their day, who have left upon the public mind a memory of irreproachable service. The legislation enacted under their leadership affected the private interests and public welfare of our growing millions. It is to the glory of the Republic that no question was ever raised as to their private integrity, their public honor, or their incorruptible manhood. [Applause.] The high traditions of this fellowship has been maintained and enhanced by the achievements of its latest member, Judge GREEN. Historians must record his services and the important legislation that bears his name or was prepared under his direction with generous commendation when writing the story of the recent years.

Judge GREEN was elected as chairman of the Joint Committee on Internal Revenue Taxation created by the revenue act of 1926, and the organization and conduct of its work was entrusted to him. With wisdom and discretion he selected the personnel of its staff and so directed their activities that most essential assistance was given in the preparation of the pending revenue bill and valuable and timely information concerning the revenue laws and their administration was furnished to the Congress and the country.

On February 20, 1928, the President of the United States nominated him for appointment as judge of the United States Court of Claims, and on March 12 the Senate confirmed his appointment. He now retires from the Congress of his own volition to return to that public service which claimed the activities of his earlier manhood. His ripened judgment, legal attainments, and legislative experience will make his service as a member of the national judiciary of very great value.

I voice to-day the praise of a man whose important services have added to the comforts and increased the prosperity of our people and sustained the honor of our country at home and abroad.

The House regrets the voluntary retirement of a Member whose distinguished abilities, good comradeship, and unceasing devotion to a great task have largely contributed to its record of good work well done. In addition to these qualities of mind and heart, his kindly courtesy, generous consideration of others, courage, and intellectual integrity have earned for him, irrespective of party affiliation, our highest esteem and enduring affection. He can read his title clear to that highest of all encomiums of faithful and effective public servant. He has won a memorable place in the honorable ranks of those who have worthily served their country's needs. [Applause.]

I append the list of the chairmen of the Committee on Ways and Means since the beginning of the Government of the United States under the Constitution. It is furnished from a source which I believe reliable. In the 139 years there have been 43 chairmen. Sereno E. Payne, of New York, was chairman during six Congresses; Thomas Fitzsimmons, of Pennsylvania, WILLIAM M. MORRISON, of Illinois, and WILLIAM R. GREEN during three Congresses; 17 served during two Congresses and 22 during one Congress.

## Chairmen of the Ways and Means Committee, House of Representatives

Congress	Year	Name	State
First.....	1789	Thomas Fitzsimons.....	Pennsylvania.
Second.....	1791	do.....	Do.
Third.....	1793	do.....	Do.
Fourth.....	1795	William Smith.....	South Carolina.
Fifth.....	1797	Robert G. Harper.....	Do.
Sixth.....	1799	Roger Griswold.....	Connecticut.
Seventh.....	1801	John Randolph.....	Virginia.
Eighth.....	1803	do.....	Do.
Ninth.....	1805	Joseph Clay.....	Pennsylvania.
Tenth.....	1807	George W. Campbell.....	Tennessee.
Eleventh.....	1809	John W. Eppes.....	Virginia.
Twelfth.....	1811	Langdon Cheves.....	South Carolina.
Thirteenth.....	1813	John W. Eppes.....	Virginia.
Fourteenth.....	1815	William Lowndes.....	South Carolina.
Fifteenth.....	1817	do.....	Do.
Sixteenth.....	1819	Samuel Smith.....	Maryland.
Seventeenth.....	1821	do.....	Do.
Eighteenth.....	1823	Louis McLane.....	Delaware.
Nineteenth.....	1825	do.....	Do.
Twentieth.....	1827	George McDuffie.....	South Carolina.
Twenty-first.....	1829	do.....	Do.
Twenty-second.....	1831	Gullian C. Verplanck.....	New York.
Twenty-third.....	1833	James K. Polk.....	Tennessee.
Twenty-fourth.....	1835	C. C. Cambreleng.....	New York.
Twenty-fifth.....	1837	do.....	Do.
Twenty-sixth.....	1839	John W. Jones.....	Virginia.
Twenty-seventh.....	1841	Millard Fillmore.....	New York.



Chairmen of the Ways and Means Committee, House of Representatives—Continued

Congress	Year	Name	State
Twenty-eighth	1843	James J. McKay	North Carolina.
Twenty-ninth	1845	do.	Do.
Thirtieth	1847	Samuel F. Vinton	Ohio.
Thirty-first	1849	Thomas H. Bayly	Virginia.
Thirty-second	1851	George S. Houston	Alabama.
Thirty-third	1853	do.	Do.
Thirty-fourth	1855	Lewis D. Campbell	Ohio.
Thirty-fifth	1857	J. Glancy Jones	Pennsylvania.
		John S. Phelps	Missouri.
Thirty-sixth	1859	John Sherman	Ohio.
Thirty-seventh	1861	Thaddeus Stevens	Pennsylvania.
Thirty-eighth	1863	do.	Do.
Thirty-ninth	1865	Justin S. Morrill	Vermont.
Fortieth	1867	Robert C. Schenck	Ohio.
Forty-first	1869	do.	Do.
Forty-second	1871	Henry L. Dawes	Massachusetts.
Forty-third	1873	do.	Do.
Forty-fourth	1875	William R. Morrison	Illinois.
Forty-fifth	1877	Fernando Wood	New York.
Forty-sixth	1879	do.	Do.
Forty-seventh	1881	William D. Kelley	Pennsylvania.
Forty-eighth	1883	William R. Morrison	Illinois.
Forty-ninth	1885	do.	Do.
Fiftieth	1887	Roger Q. Mills	Texas.
Fifty-first	1889	William McKinley	Ohio.
Fifty-second	1891	William M. Springer	Illinois.
Fifty-third	1893	William L. Wilson	West Virginia.
Fifty-fourth	1895	Nelson Dingley, Jr.	Maine.
Fifty-fifth	1897	do.	Do.
Fifty-sixth	1899	Sereno E. Payne	New York.
Fifty-seventh	1901	do.	Do.
Fifty-eighth	1903	do.	Do.
Fifty-ninth	1905	do.	Do.
Sixtieth	1907	do.	Do.
Sixty-first	1909	do.	Do.
Sixty-second	1911	Oscar W. Underwood	Alabama.
Sixty-third	1913	do.	Do.
Sixty-fourth	1915	Claude Kitchin	North Carolina.
Sixty-fifth	1917	do.	Do.
Sixty-sixth	1919	Jos. W. Fordney	Michigan.
Sixty-seventh	1921	do.	Do.
Sixty-eighth	1923	William R. Green	Iowa.
Sixty-ninth	1925	do.	Do.
Seventieth	1927	do.	Do.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to address the House for five minutes. [Applause.]

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and Members of the House of Representatives, the minority leader, Mr. GARRETT of Tennessee, is not present to-day. I want to say in his behalf that if he were here he would concur in what the gentleman from Oregon has said concerning Mr. GREEN and in the other good things that others may say about him. I have heard Mr. GARRETT express himself about Mr. GREEN, and I know I speak for him when I say he greatly respects him and gives him his greatest wishes on his journey through life.

Mr. Speaker, speaking of the chairmanship of the Ways and Means Committee of the House of Representatives, I think it is the most effective office for the American people outside of the Presidency. [Applause.] I say frankly that if you will take the chairmanship of the Ways and Means Committee and put it in the hands of a man who will not serve his country as faithfully, as loyally, and as patriotically as he should, the economic conditions of the country would suffer and no one could foretell what they would be. I repeat that it is one of the most important places in our political life, especially our economic political life, and I would rather hold it, speaking for myself, than any other place outside of the place of all places, the Presidency of the United States.

Speaking of Mr. GREEN, I believe I express the sentiment of every Member of this House when I say that we, one and all, believe in the honesty of BILL GREEN. [Applause.] When I leave the House of Representatives, of all things I would rather have it said of me that "We respected him; we believe he was honest; and we believe he did his duty to the best of his ability." That can be said about BILL GREEN. [Applause.]

He and I have had our little differences here. We have not always agreed; but that is a natural thing. When two men have disagreements, both temperamentally constituted like the gentleman from Iowa and myself, especially myself, we are likely to express our differences in the most forceful way we can, and on my part sometimes more forcefully than possibly I should; but there has never been a time—and I am sure the gentleman from Iowa will realize it—that in our contests in this arena I did not have respect for his honesty of purpose and his patriotism. [Applause.] It is the most natural thing, after all, for men to have differences in judgment; but as long as we are patriotic, as long as we love our country, and as long

as we are doing the best we can with the lights before us no man has the right to criticize more than our judgment.

Mr. GREEN's heart, gentlemen, is in the right place in legislation. It is with the masses of the people. [Applause.] Take the legislation he has brought forth and take the recommendations that have been made to him about legislation and you will find out where BILL GREEN stands, and where his intellect and his heart was. He has always favored legislation that had for its purpose the taxing of people according to their ability to pay and not according to their necessities. [Applause.] If it had not been for him, in my judgment, the surtaxes at the present time would not be what they are. Neither would some other taxes be on the statute books at the present time if it had not been for Mr. GREEN. [Applause.]

I congratulate the bench on getting your services, sir. I regret the loss of your services here, but if I had been in your place I think I would have done the same thing. I would have accepted this nomination. You have reached three score and ten years of age. This arena is no place for a man to carry the banner who has reached such years unless it is in an advisory capacity. I say this with all respect to my ancient friends, because I am getting along myself. [Laughter and applause.] I congratulate you and I do not question your motives in accepting this position, because they are noble and you are going back to your first ambition.

As to the purpose for which you were given this place, at some future and more appropriate time we may discuss that, but for you there is nothing but the highest that can be said. You will make a just judge. You have made a courteous, fine chairman. [Applause.] I only wish that every one will hold his temper, as chairman of the committee, as well as you have controlled yours. If some others I know of were in that position I doubt if they could control their tempers as well as you have.

Mr. Speaker, I think a great deal of Mr. GREEN personally. I only hope, and I hope intensely, that my relations with the future chairmen of the committee will be as pleasant as they have been with Mr. GREEN. I have every reason to expect and believe this, because I have great respect for the one I understand is to be the next chairman of the committee, the gentleman from Oregon [Mr. HAWLEY]. [Applause.]

Mr. Speaker, in conclusion let me say I speak the sentiment of every Member of this House, Democrat and Republican, when I say that when the gentleman from Iowa leaves these portals to-morrow we wish him long life, we wish him good health, we wish him contentment and much happiness. [Applause, the Members rising.]

Mr. COLE of Iowa. Mr. Speaker, ladies, and gentlemen, in behalf of the Members from Iowa, Mr. GREEN's immediate colleagues, I want to thank the majority and the minority leaders of the Ways and Means Committee for the kind things they have said about our colleague. We know they are all true, for we have known Mr. GREEN the longest and the most intimately.

This occasion is for us, his colleagues from Iowa, one fraught with pleasure and yet tinged with regret. We are pleased because our colleague at the end of his services in this House is receiving the praise of all without regard to past or party differences. It is a recognition we would covet not only for him but for his State. We have regrets that are akin to personal sorrows because he will meet here with us no more in this great national forum and because he will be more absent from us in the State where we have known him so long.

I think I have always known Mr. GREEN; at least, I am not conscious of a time when I did not know him. He has always been honored in his home State. As has already been said, he served for 17 years on the district bench and his services in that capacity were faithful, intelligent, and diligent. [Applause.] For an equal number of years he has served in the House of Representatives and what those services have been and how highly they have been esteemed by those most closely associated with him on the Ways and Means Committee we have already been told by the gentleman from Oregon [Mr. HAWLEY] and the gentleman from Texas [Mr. GARNER]. It is in the committee rooms that men are most accurately measured. It is there that they are most tested and the approval that they receive there is generally the approval of the whole House.

We honor Mr. GREEN in Iowa beyond words that I can use to express it. He has brought to our State its second highest honor in the House of Representatives. The first honor belongs to the late Col. David B. Henderson, who attained the Speakership. The chairmanship of the Ways and Means Committee, which our colleague has held so long and so well, is, I think, easily the second honor that has fallen to our State in this House.

But best of all, ladies and gentlemen, is the consciousness that all the services which Mr. GREEN has rendered here to his State and to his Nation have been entirely and always for the public good. [Applause.]

A public career of 34 years is an honor to any man. No one can weather the political storms of so many years unless he has inherent merit in him. No one can retain the confidence of the people through so many political changes and vicissitudes unless he has the capacity for meritorious service. Mr. GREEN has withstood all those tests and he has survived all those storms and vicissitudes.

We are glad that our colleague is not retiring from public services. He is simply transferring them to the calling in which he first won distinction. He will work in surroundings more congenial and more in harmony with the years that are coming upon him than he could possibly find in this too-often turbulent body.

Mr. GREEN, I want to assure you, on behalf of your colleagues from Iowa, that it is with regret we part with you in this House. We shall miss you here where so many of us have so often sought your counsel and advice. We shall miss you in the old home State. I want to assure you also that you have now at this parting, as you have had through all the years, the esteem and the love of those who have been associated with you in official life both in Iowa and here in the House of Representatives. We wish you well in the new duties which you will undertake. We hope that the years of your life may be many more and that they may be happy years. And however many, we know that in your life and in all your work you will continue to honor your State. [Applause.]

Mr. OLDFIELD. Mr. Speaker and gentlemen of the House, while we all very much regret to lose Mr. GREEN as our chairman, we are all delighted that he has such a splendid position and one where he will feel so much at home. He was a judge on the circuit bench of the State of Iowa before he came to Congress. I know he will make a splendid judge. Mr. GARNER has told you, and properly, that Judge GREEN's heart is in the right place. There can be no question about this. Of course, I have not always agreed with Judge GREEN, but there has been no bitterness in any contest in which Judge GREEN and myself, or any other Democrat for that matter, have engaged. The fact is, I think if Judge GREEN lived down in my country he would be a splendid Democrat [laughter], because he certainly has done everything in his power to write a just taxation measure at every opportunity he has had, and he is one of the very few Republicans I know who, I believe, would do that if they were in his position. [Laughter.]

As I have said, of course, we do not always agree. If I agreed with any Republican about everything I would be suspicious about myself. [Laughter.] But we really love Judge GREEN. He is a wonderful companion. He has been most courteous and kind to every member of the committee. He has had quite a burden to carry. I do not think there is any Member of this House who fought more courageously against the powers that be not only in his own administration but the powers that be in his own State on the estate-tax proposition. [Applause.] They sent a great delegation to Washington from both the State of Iowa and the State of Texas, and I have always believed they did this for the purpose of embarrassing and for the purpose of forcing Judge GREEN and JACK GARNER to do that which they knew they should not do—support the repeal of the estate-tax provision. The delegations from these two States filled our committee room, and be it said to the honor of Judge GREEN and JACK GARNER that they never wavered, they never flinched, they never flickered on any proposition that in their hearts they believed in. [Applause.]

The Ways and Means Committee is a great committee, and I think the chairmanship of that committee is one of the most powerful influences in our Government. We have had some wonderful chairmen. Uncle Joe Fordney was a wonderful chairman. I served under him, and I served under Claude Kitchin, one of the ablest men I ever have known and the greatest debater I ever saw on the floor of the House.

So we have been very fortunate, and I think we are fortunate that we are going to have an able gentleman to take Judge GREEN's place. [Applause.]

When the Democrats come into power again, which I hope will be in the near future, we will furnish also some able gentlemen, some one whom the Republican side of the Ways and Means Committee can also love as chairman of that committee.

Now, we wish Judge GREEN all the luck, all the pleasure, all the joy that comes to the office to which he is going to-morrow. We regret to see him go, and yet we are proud to see him honored by his President and his administration. [Applause.]

Mr. BURTON. Mr. Speaker, there is one thought that has been expressed here to-day with which I can not agree, and that is the intimation that after a person reaches the age of 70 years he should be here merely in an advisory capacity [laughter]; that after that period he must go on his way with a degree of stillness and with a voice very much moderated.

Whether he be old or young, it is the future that has the greatest significance for us, even though we be near to the twilight hour. I must say for Judge GREEN and myself that we do not agree with the intimation expressed. [Laughter.] Now, there is something pathetic whenever a Member leaves this House. It means the partial breaking away from friendships, from long associations; it means the end of service in this great forum. But how beautiful it is when such a tribute can be paid as has been rendered to-day by Republicans and Democrats alike to Judge GREEN, of Iowa. It means that, however intense their partisanship may be in politics, there is deep down a respect for every Member—for his honesty, his sincerity, and earnestness in public service, whatever his political views may be. Indeed, this must be so, for we could not have a House of Representatives in which all are cast in the same mold, in which all have the same views. Whence would there be progress if such were the case?

I can not add to the eulogy of Judge GREEN's services. He has brought in here three revenue bills, something more than a dozen settlements of foreign debts, and I would especially mention his most excellent management of the alien property bill, a measure which will have an influence far beyond our own border in that it speaks for peace and good will for one of the great nations of Europe, a nation with whose government and sovereignty we were in a bitter war not long ago.

Judge GREEN, we are loath to say to you, "Farewell." When you have been invested with the new position we shall often think of you, and we hope that you will think of us—that your thoughts will turn to those here who have been your friends and who always will be your friends. We wish for you, in the new position which you are to take, success and efficiency, and we wish for you personally the richest blessings of health and of long life. [Applause.]

Mr. MOORE of Virginia. Mr. Speaker, I had not intended to say a word, but it is perhaps not out of place that a Member of the minority outside of the radiant circle of the Committee on Ways and Means should take the opportunity to express his very great interest in this occasion and unite in what has been said about the gentleman who is on the point of terminating his service as a Member of the House. Now and then we encounter individuals who seem to diminish in importance the more we see of them; but now and then we encounter individuals of whom exactly the contrary is the case, and the latter is true with reference to our colleague, so far as I am concerned. [Applause.]

After all, of course, the personal qualities constituting character are the qualities which count for most. Those qualities are summed up in one term when it is literally applied and interpreted, and that is the term "gentleman"; and we can all say who know our friend that he has worn and wears without reproach "the grand old name of gentleman." [Applause.]

We are now reversing the sentiment of the Mark Antony pointment, usually describing such appointment as political. [Applause.] We could not under any circumstances come to say about our friend—

The evil that men do lives after them;

The good is oft interred with their bones—

because in his attitude and purposes there has been no evil, and only good. [Applause.]

One fact prompting me to say anything is that my own State of Virginia has given to the great office which Mr. GREEN has filled several distinguished men, among them the father of my colleague, Mr. TUCKER [applause], and I am glad to believe that the Iowa Representative has measured up to the high standard to which those Virginians conformed. [Applause.]

He now goes upon the bench. We have sometimes known those in the ranks of the judiciary who were under just criticism; but it is safe to say that he will never be under any deserved adverse criticism. [Applause.] I have not the slightest misgivings that our friend in his service on the bench will measure up to the example and to the conception of the greatest official whom the State of Virginia or any State has given to the Judiciary Department, John Marshall, and enjoy an honorable career as an able, incorruptible, industrious, patient, and therefore satisfactory judge. [Applause.]

Mr. TILSON. Mr. Speaker, as one who served with Judge GREEN and under him as a member of the committee of which he



was chairman, and also in the relationship of majority leader to the chairman of a great committee, I wish to say a few words before Judge GREEN leaves this body. Others have spoken of his services in this body, and I shall not attempt to enlarge upon what they have said. What I shall say will be for the most part in regard to the qualifications for the work to which he is going, which his native ability and his services here give him for that position.

Judge GREEN was on the bench for 17 years before he came here, having been transferred by the people from the bench to this forum. He has now served for more than a third of a century in these two capacities. By his own volition he now goes back to his first love, the bench.

Mr. Speaker, in my judgment, the services that he has rendered here in the House fit him most preeminently for the work that he is to take up. There is a cult scattered pretty generally throughout the country who try to make people believe that a man who has served in political office is thereafter unfitted for the judicial ermine. Some headway has been made in that direction, so that when one who has served in other public office is appointed to the bench we have those who criticize the appointment, usually describing such appointment as political. Yet the history of our Federal bench, including the Supreme Court and the other courts of our country, disproves such a contention.

Men who have served their country in a legislative capacity such as Judge GREEN has, a political forum, if you will, have had the benefit of broadening influences that can not be gained in any other way. If I were called upon to make the selection of judges and had it within my power to do so, I would give high credit to services of that kind in making up my mind as to the probable fitness of a man for judicial work.

I regard the work done here by Judge GREEN in formulating and debating legislative propositions and in the thorough scrutiny and dissection of the bills that he has had to consider here in the House as of incalculable benefit to him in the work that he is about to take up. He will go from this forum and begin his new work not as a novice, but one who has had the benefit of a wide and broadening experience, which has eminently fitted him for the duties that he is to perform hereafter. The country is to be congratulated upon having in this important position the services of a man so well qualified, ripened in judgment as well as mature in years. I hope that he may serve on the bench to which he is going a term equal in length, as I am sure it will be in usefulness, to that served heretofore on the bench and equal to the period he has served here in this House. [Applause.] I know that I voice the wishes of both sides of the House when I say that we wish him Godspeed, good health, and a long and happy service in the distinguished position to which he is going. [Applause.]

Mr. TREADWAY. Mr. Speaker, after the remarks that have been made by my colleagues, relative to the services of Judge GREEN as a Member of this House, and as chairman of the great Committee on Ways and Means, there remains nothing that I can add. It has been my privilege to serve with Judge GREEN as a member of that committee for 10 years, and under him during his period as chairman. In all that time we have found him eminently fair, showing judicial temperament, both in the handling of the committee and in the character of the testimony presented to it. Frequently we hear Members of Congress referred to in a derogatory and perhaps in a derisive manner. I think the nomination of our colleague to this high position on the bench is a direct contradiction of such statements as that. I say that every Member of the House to-day can consider himself complimented in that the President of the United States has seen fit to select one of our Members for one of the highest judicial positions in the country. It shows that public service here is merited and sometimes rewarded. We Members may regard our positions on a higher plane as a result of this very proper appointment.

It has been said that Judge GREEN would not have received this honor had he not been in public life. Very likely that is true, because having distinguished himself for a period of 17 years by his service in this House, his qualifications for promotion in another line of public service were made perfectly apparent.

Judge GREEN, the Ways and Means Committee will miss your guiding hand. In order to accustom ourselves in a slight degree to our loss, a few days ago it was suggested that we have a meeting of the Committee on Ways and Means without your presence, and under the leadership of our incoming chairman. We did not want to unduly burden the future incumbent, the gentleman from Oregon [Mr. HAWLEY], with too extensive labors at that first meeting, and so there was but one subject of business brought up. It was the unanimous, spontaneous, and nonpartisan view of the assembled committeemen that

we wish you to take with you to your new position some evidence of our regard and appreciation. One of the requisites of a good judge is punctuality. Therefore we felt that as you assume your judicial position you ought to have a reliable timepiece, "made in America." [Applause.] I consider it a very great honor and privilege in behalf of the 24 remaining members of the Committee on Ways and Means, after your resignation, to present to you this slight token of our esteem and appreciation, and to assure you of our best wishes for your future success. We ask you to wear this timepiece, with chain attached, as a daily reminder of our association with you and as a memento of the love and appreciation of your colleagues of the Committee on Ways and Means. Your monogram is engraved on the outside and it bears within the case the following inscription: "Hon. WILLIAM R. GREEN. From his associates, Committee on Ways and Means, Seventieth Congress, March 30, 1928." [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, as the day approaches when I shall sever my connection with this House I find it is no easy task. It makes a pull at the heartstrings.

I came here before the Great War, passed through all its exciting years, and have remained until the normal conditions of peace have been with us for some years. History will write large the record of Congresses that raised \$40,000,000,000, sent across the broad ocean 2,000,000 men, and had another 2,000,000 ready to go. Nor will it soon forget the Congresses that, after the termination of the greatest war ever known, have successfully brought the country back to a condition of peace with all nations and a prosperity seldom before seen. In this epoch-making period our country has become a world power, one of the greatest, if not the greatest, in the galaxy of nations. Those who have served here during any part of this era, or are serving now, have a right to be proud of the record of this House during all of this period and I rejoice that I have been able to take a part in it.

I know there are some who, for the sake of a few cents a line, are continually trying to depreciate Congress. There is nothing new in this. It has been the case from the beginning of our Government, and in fact ever since legislative assemblies have been founded, and always will be. There are always those who are incapable of construction or leadership themselves who fancy themselves capable to criticize those who lead in action. Then, too, there will be honest differences of opinion as to governmental policies. Every citizen has a right to criticize Congress, and proper criticism will often be helpful. But there is another class of critics who distort or misrepresent the acts of Congress, whom I wish might some time run for a place here in order that they might learn what the people of their districts think of them. [Applause.] I do not know of any of these who would not be glad to be here if they could get the votes. There is no system of government that is not subject to human frailties, but those who attack our system are met with an irrefutable argument in the unrivaled advancement of our Nation, whose affairs are directed by Congress.

The Members of this House belong to a body which shapes the destiny of a great Nation. Nowhere else are affairs of such supreme importance determined as by the House, which represents 110,000,000 people living in a land whose resources are incalculable and education most widely diffused. The mere membership in this House is an honor, and I value it most highly.

There are those who can only see great Congresses that loom up in the dim distances of the past. Speaker Reed once said, "A statesman is a successful politician who is dead." I do not need to defend Congress, but I wish the country could have an opportunity to understand better what Congress does. I am satisfied the historian of the future, with unbiased mind and discriminating eye, will do it justice. Permit me at this time to present an important fact for the record of the present day.

I have been here for nearly 17 years. Through the war and since I have seen great measures passed for raising and expending billions of dollars. The change in the wording of a phrase, even the placing of a comma, in bills passed by the Ways and Means Committee might change the measure to the injury of the country and to the immense benefit of some private individual or individuals. So, also, with appropriations, where a slight shift might change the action of the Committee on Appropriations from a proper to a highly improper course. During the war and after the war there were scandals in other departments upon which I shall not comment now. I wish, now, to call the attention of the country to the fact that, although the fierce light of publicity has continuously been turned upon Congress, there has not been during all these 17 years a shade of suspicion of graft or corruption cast upon the official acts of any Member of this House. [Applause.] There are few legislative bodies anywhere of which the same can be said, and I am proud that

as my last act in Congress I can assert it without fear of contradiction.

I have always been one of those who believed in the prerogatives of Congress as established by the Constitution, and always desired to maintain the rights and privileges of the House. It is the duty of Congress under the Constitution to control legislative action, and I never have believed in its resigning those powers. On the contrary, I have always thought that Congressmen should not be merely rubber stamps to register the views of some one else. Rather, a Congressman should represent and lead his district. The people must always look to this House as the guardian of their liberties and the protection of the weak against the strong. Great powers result from great wealth, and if the time ever comes when the owners of swollen fortunes dictate the policies of our Nation, the day of the communist and the anarchist will be near at hand. [Applause.] I do not distrust the people. Their sober judgment, when sufficient opportunity is given for reflection, is usually a safe guide. Although not always correct even then, my study of history leads me to conclude that the intuition of the masses has, on the whole, been nearer right than the judgment of the classes.

So, also, I have confidence in the collective judgment of those who represent the people here. Those whom I see around me to-day were selected by their constituents because they had something in them that made them worthy of their post. Most of them were outstanding figures in their districts before they came here. I have over and over again observed the capacity and ability of those with whom I came in contact demonstrated on the most trying occasions. If I have had any measure of success during my service in Congress, I owe it largely to the efficient and extremely able support that has been given me by other Members, and especially by the members of the Committee on Ways and Means. I can not sufficiently express my appreciation of the fact that the House has always given me its confidence. Members have, of course, differed with me. As independent thinkers this must be so, but in the passage of great measures this confidence of the House has been an invaluable aid to me. The gentleman from Texas and myself have often clashed on this floor in a semihumorous way. I have forgotten the things he said on these occasions, but I shall always remember one appellation he gave me, because I think he was in earnest when he said it. He called me "the old Roman from Iowa." [Laughter and applause.] If I deserve it, it is the highest title that I ever had or ever will have.

The greatest compensation for service in the House is the association with so many good fellows—I hope the ladies will permit me to include them in the term. [Applause.] The Members must be such or they would not be here. To speak accurately, I would say that it is in part because of that characteristic that they have found favor with their people. The friendships formed here are not confined to one side of the aisle. Neither Republicans nor Democrats have a monopoly of those faculties which draw one Member to another. The most delightful associations that I have ever formed in my life I have made here, and I shall always treasure their memory.

I leave the House with the greatest regret. Those who know anything about Iowa politics realize that I had nothing to fear from the coming primary or election, but I felt the need of lightening my official duties and escaping from the annoyances and harassing features of political life, which have broken down so many men before their congressional careers should have ended.

I would be less than human if I did not deeply appreciate the kind words that have been said of me to-day—no doubt far more than is my due—and the beautiful watch that has been presented to me. I hope it will be preserved by my descendants as a memento of my services. I can only say that I have tried to be fair and just to all, and if I have an enemy in the House I do not know it, and I hope I never will. With the kindest feelings and best wishes to all, I bid you an affectionate adieu. [Prolonged applause, the Members rising.]

#### REFERENCE OF A BILL

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 2306 be rereferred to the Committee on Indian Affairs. I do this after discussing the matter with the chairman of the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

#### APPOINTMENT OF SECOND LIEUTENANTS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced, H. R. 12452, further to provide for the national defense.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in order that the readers of the CONGRESSIONAL RECORD may understand the provision of H. R. 12452, which I am commenting upon, I hereby reproduce the terms of the bill in full:

Mr. McSWAIN introduced the following bill; which was referred to the Committee on Military Affairs and ordered to be printed:

A bill (H. R. 12452) further to provide for the national defense

*Be it enacted, etc.,* That each year in order to determine and decide which individuals should be commissioned as second lieutenants in the Army, the Secretary of War shall arrange a single list of all the eligible persons that have made application for appointment as such, including the graduates of the United States Military Academy; and the names upon said single list shall be arranged without preference to any group, class, school, college, or academy where said persons may have graduated and without any discrimination in favor of or against enlisted men in the Army that have shown by examination and service record that they are qualified to be commissioned as officers, but said names upon said single list shall be arranged in the order of individual merit, ability, leadership, education, military training and experience, and personal aptitude for the service, including physique, temperament, and initiative.

SEC. 2. Beginning at the top of said single list so arranged, the President of the United States shall take in regular order a number of names equal to the number of vacancies in the Army to be filled by the appointment of second lieutenants, and shall appoint such persons to said office and nominate them to the Senate of the United States for confirmation, to the end, and with the purpose and intent, that the very highest quality of officer material, available from all possible sources, shall become officers in the United States Army.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Mr. Speaker, the purpose of H. R. 12452 may not be manifest upon its face, but its correct interpretation and application should bring about such results as to commend itself to every fair-minded and just person that wishes to promote the efficiency of the Army. Undoubtedly that efficiency depends primarily upon the quality of officers in the Army. The purpose of the bill is to insure to the Army the very highest quality of individuals to become officers. How does the bill operate to thus insure the highest quality of officer material available from the young men of the Nation that wish to become Army officers? It is simply the application of common sense to the problem of filling vacancies in the grade of second lieutenants in the Army. All officer material is fed into the Army from the bottom. Every general must commence at least as a second lieutenant. Therefore, it is highly desirable that the second lieutenants be recruited from those individuals best qualified in character, education, military training, and general adaptability for the service.

The plan by which such highest available quality of young men is ascertained for commissions as second lieutenants is simple. It provides that from all sources, from all military schools, from all schools having Reserve Officers' Training Corps units, senior grade, from the ranks of the Army itself, and from the United States Military Academy, there shall be arranged a list and that vacancies shall be filled by commencing at the top of the list and taking names in the order of such arrangement until all vacancies are filled. The arrangement upon the list must be left to the Secretary of War, as directed by the bill, to take into consideration natural ability, character, qualities of leadership, personal initiative, education, military training and experience, and temperamental fitness for the service. He must arrive at the proper arrangement of these names upon the list by looking at the qualities and qualifications of each individual. That may be difficult to do, but it can be done. It is such a problem that requires somebody to exercise discretion and judgment. It may work injustices, but in human affairs ideal justice is not possible.

But, Mr. Speaker, it will accomplish better results than the present mechanical method. The present method consists in taking, first, all of the graduates of the United States Military Academy and offering commissions to every one of them if there be a sufficient number of vacancies. If it happens that there be enough graduates from the Military Academy to fill all the vacancies, then there is no chance for anyone else, however well qualified, however much military experience he may have, however preeminent may be his fitness for the service. Such an arrangement as now prevails must, if justified at all, proceed upon the theory that every single graduate of the Military Academy possesses higher qualifications in ability, character, education, military training, and temperamental fitness



for the service than any other single individual throughout the whole Nation. Such an assumption can not be established by the facts. It is undoubtedly true that the qualifications of the graduates of the Military Academy are, on the whole and upon the average, very high. But knowing many of those graduates of all ages, and having appointed a number of cadetships, and knowing hundreds and thousands of men educated and trained in other institutions, I can not admit, and I do not believe that any reasonable person will affirm, that each and all of the graduates of the Military Academy possess higher qualifications in the particulars enumerated than all of the graduates of the other military schools and colleges throughout the Nation. As against 250 graduates a year at the Military Academy, there are more than 10,000 graduates of other military schools and colleges having military training in Reserve Officers' Training Corps, and surely among these thousands there will be found individuals that have abilities superior to the abilities of the inferior men graduating at the Military Academy. Any fair-minded person must admit the truth of these statements upon mere reflection. Therefore the purpose of the bill is of pre-eminent importance in the progress of national defense. For that reason it is my sincere desire that the War Department, seeing its justice, will report favorably upon its enactment and thus place it upon record as insisting that the very highest qualifications possible shall henceforth mark the officers of the United States Army.

#### THE McNARY-HAUGEN BILL AND THE FITZGERALD-TYSON BILL

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from North Carolina [Mr. POU] for 10 minutes. [Applause.]

Mr. POU. Mr. Speaker, there are in America two schools of thought with respect to the agricultural problem. One school of thought maintains that there is nothing Congress should do in order to stimulate agriculture throughout the Nation. Those who belong to this school of thought maintain that the farmer should be left to work out his destiny as best he can. The other school of thought maintains that in view of our economic system, and because of handicaps which that system has placed in the way of the prosperity of the farmer, it is the duty of Congress to act. I belong to the latter school of thought. I am profoundly convinced that there is a great agricultural problem with which it is our duty to deal, and to deal with now. I believe that certain legislation which has been proposed will bring measurable prosperity to the farmers of America.

I know there are those who put aside this question with a sneer. They characterize it as merely a calamity howl. The figures of the Census Bureau do not sustain this view. There were in 1910 more farmers in America who owned their own homes than there were in 1925. Let me give you the exact figures. In 1910 the full owners of farms throughout the Nation was 3,948,722. In 1925, 15 years thereafter, there were 3,868,332 persons who were full owners of their homes and farms; that is to say, in 1925 there were in this Nation 80,390 less persons who were full owners of their homes and farms than there were in 1910. Mr. Speaker, these figures reveal a tragedy. There has been great prosperity and development in many lines of industry and manufacture since 1910. The wealth of the Nation has enormously increased. It is even said that the wealth of the Nation has almost doubled since 1910. Great fortunes have been made in many lines of endeavor. The deposits in our banks have increased amazingly. I was told recently by a gentleman well informed in financial matters that the banks of New York during the past winter had so much money on deposit that they were sending out persons soliciting loans at a very low rate of interest. He said these banks had more money than they could loan at the usual rate of interest and in order to keep their deposits working they were sending out agents urging people to borrow these deposits at a low rate of interest. Transactions on the stock market have risen to fabulous figures. On one day this week 4,700,000 shares of stock changed hands on the New York Stock Exchange. On several days during the current week more than 3,000,000 shares changed hands. Stocks in many corporations have advanced to a point no one ever supposed the price of these stocks would reach. Railroad stocks, which sold less than seven years ago for \$20 per share are selling to-day for more than \$100 per share. America has become the dominating nation in the financing of the world, yet amidst all this prosperity little, if any, prosperity has touched the farmer, except possibly during two or three years. His condition is even worse to-day than it was in 1910.

I have not the figures before me, but I am told that the number of home owners in the cities is very much larger than the number of city home owners in 1910. The cities have gone forward while the farmers upon whom the Nation must depend

for all permanent prosperity have gone backward. He is gradually but steadily losing his home.

Much of the prosperity which the Nation has enjoyed is attributable to discriminatory legislation by Congress. The manufacturer enjoys a practical subsidy. The tariff laws protect him to a large extent from foreign competition. When by law you cut off competition you are practically conferring a subsidy. The railroads by law are permitted to charge a fair return upon their investment. We have spent millions in improving the ports of our cities in order that commerce might freely come and go. Yet when it is suggested that Congress should legislate in the interest of the farmer, the reply is made that the farmer must take care of himself, that the cry for agricultural relief is merely a calamity howl, that the farmer can work out his own salvation without any help, that if he does not prosper it is because he is lazy or incompetent, that he needs no help from Congress or from any other source. I would to God, Mr. Speaker, that it were true that the American farmer needs no help, but when the reports of the Census Bureau tell me that the home owner of the farm is on the decrease, when the number is less now than 18 years ago, when more than 1,000 banks in the agricultural sections failed in less than four years, when thousands of farmers have given up in despair and see their homes and farms put up under the hammer of the auctioneer, when auction sales are on the increase, when hard-working farmers are unable to pay even their taxes, I can not rid myself of the profound conviction that it is the duty of Congress to act in some way and to act now.

Mr. Speaker, if those who believe there is a great farm problem with which it is the duty of this Congress to deal are divided, we can not hope to accomplish very much. In the last Congress I voted against the McNary-Haugen bill. The President vetoed the McNary-Haugen bill, and even if the friends of farm relief had been at that time united, the measure could not have been passed over the President's veto. I preferred another measure. I thought it was more practicable to begin the great effort to stimulate agriculture by passing the so-called Aswell bill, but the majority of those who favor action in respect to the agricultural problem were of a contrary opinion. The McNary-Haugen bill, amended in many respects, now has a favorable report from the Committee on Agriculture. Inasmuch as I can not get exactly what I want, I am going to accept the measure upon which a large majority of the friends of agricultural relief in this House have agreed, and I do this without apology to any man. [Applause.] I accept this measure because, as I have said, it is the best I can get. I accept it because it comes from the committee with amendments which have greatly improved the McNary-Haugen bill passed by the last Congress. Therefore I shall vote for the McNary-Haugen bill when it comes up for consideration in this House because I am profoundly convinced it is my duty to do so. [Applause.] I shall vote for it because I believe the sentiment of the district I have the honor to represent is overwhelmingly in favor of some action by Congress with respect to the agricultural problem. I shall vote for it because every farm organization in America with a single exception has indorsed the measure. I shall vote for it because, to my sorrow, I see the tenant class increasing, while the home-owner class is decreasing in number. And this is particularly true of the section from which I come. I shall vote for it because it is the only measure which will be helpful to the farmer upon which I will have the opportunity to vote before this session of Congress ends.

I believe there is much in our economic system, built up by legislation, which is inherently wrong. God knows I would change the system if I could, but I am confronted by a condition and not a theory, and because of this condition I say to you gentlemen of the House of Representatives, inasmuch as the system is here, the time is at hand for the Congress to do something to inject life and health into the agriculture of the Nation.

Mr. DOUGHTON. Will the gentleman yield?

Mr. POU. I yield.

Mr. DOUGHTON. I will ask my colleague if it is not also a fact that not only home owners have greatly decreased, but farm mortgages and farm indebtedness have greatly increased?

Mr. POU. I understand that to be true.

Now, Mr. Speaker, this is about all I intended to say at this time. I hope the McNary-Haugen bill will be speedily brought into this House for discussion and for action. I am quite sure the Committee on Rules will report favorably a special rule providing for early consideration of the measure.

Mr. Speaker, the McNary-Haugen bill is, after all, but an experiment. After it becomes a law, it is quite probable that certain amendments may be found desirable. Those who oppose legislation of this character may as well understand that the fight for farm relief has just begun. I submit that those

who have opposed legislation for farm relief may well pause and consider now. There are, gentlemen, Members on both sides of the center aisle who represent agricultural districts and who know that there is no prosperity amongst millions of farmers in this Nation. If the efforts of these men are not successful in this session of Congress, the fight will be resumed in the December session. If they are not successful in the December session, the fight will be resumed in the next Congress. The fight will never end until there is legislation which will inject some measure of prosperity into the agriculture of this Nation, or until our present vicious, unjust, and un-American economic system is changed by law. This system has stood so long that no one can reasonably hope for a change in the very near future. Therefore, those who know that agriculture is to a large degree stagnant throughout the Nation must unite for some legislation which will bring measurable relief.

After all, Mr. Speaker, we are only asking for justice. Some years ago there was a great man in the White House who had a way of coining phrases which people could not forget. That man was Theodore Roosevelt. [Applause.] I am proud to number myself as one of his friends. He frequently made use of a phrase of two words which people can not help remembering whenever the name of Theodore Roosevelt is mentioned. These two words were "square deal." Here to-day, in my humble way, I am asking only for a square deal for the farmers of America. These men are not asking for a subsidy. They are only asking that, inasmuch as the manufacturer is protected, inasmuch as the railroad is permitted to exact a profitable return, that they, too, shall be considered by the Congress in the legislation which the Congress enacts. Inasmuch as Congress by legislation has given to the manufacturer a profitable market, the farmers of America have a right to ask that Congress legislate in order to enable them to dispose of their surplus crop at a fair profit. You have given the manufacturer a market in which there is no destructive competition in the protective laws you have passed. The farmer has a right to ask, indeed, has the right to demand, that Congress should also help him find a profitable market for the surplus product of his toil. In making this request, I say in the name of Theodore Roosevelt, the farmer is only asking a square deal. He demands nothing more, he has a right to expect nothing else.

I can not resume my seat, Mr. Speaker, without referring to another measure, which, I submit, ought to have consideration before this session of Congress adjourns. I shall only take a moment of time. I refer to the disabled emergency Army officers' retirement bill. Let me give you the parliamentary history of this measure. In the Sixty-seventh Congress the so-called Tyson-Fitzgerald bill passed the Senate by a vote of 50 to 14; in the Sixty-eighth Congress it passed the Senate by a vote of 63 to 14; in the Seventieth Congress it passed the Senate February 15, 1928, without a record vote.

Mr. Speaker, since the armistice was signed 500 of these wounded officers have passed into the great beyond. If we are going to do anything, Mr. Speaker, in this regard, it ought to be done now. I understand the committee has made a favorable report. Now, I submit, in view of the legislative history of this measure, it should be included in the legislative program of this House. Let us meet the issue squarely. Let us vote this measure up or down. The measure should not be defeated by strangulation. Parliamentary tactics certainly should not prevent consideration.

Mr. HAMMER. Will the gentleman yield?

Mr. POU. I yield.

Mr. HAMMER. As a member of the Rules Committee, may we not have a special rule to consider the bill?

Mr. POU. You will have at least one vote, and I believe you will have a rule from the Committee on Rules whenever the request is made. I will say to my colleague from North Carolina that in the last Congress the Committee on Rules granted a special rule providing for the consideration of this eminently just measure, but the rule was agreed to during the closing days of the last Congress, and for some reason action was not taken.

Remember, gentlemen, these are the officers who led the charges in the great World War. Their wounds bear testimony to the part they took in the struggle to save civilization to the world. They are the men who led the charge at Chateau Thierry on that hot July day, a charge that was followed up with other charges which never ended until the Germans were brought to their knees.

Mr. HUDSPETH. Will the gentleman yield?

Mr. POU. Yes.

Mr. HUDSPETH. Is the gentleman referring to the Fitzgerald-Tyson bill?

Mr. POU. I am.

Mr. HUDSPETH. I think there is hardly anyone in my district who has not petitioned me in favor of that bill.

Mr. POU. I am glad to hear it.

Mr. Speaker, I am convinced there has not been a minute since the Tyson-Fitzgerald bill passed the Senate the first time when it would not have received a majority vote in this House if a vote could have been had. There are only a little more than 3,000 of these officers living; originally there were thirty-five hundred. Let us not sidetrack this measure, but let us pass it if we are going to pass it at all before more of these men die. Because of their wounded condition the mortality among these officers is larger than it would otherwise be. Officers in the Navy from civil life enjoy the privilege of retirement similar to those embodied in the Fitzgerald-Tyson bill. Let there be no discrimination against similar officers of the Army. The necessary appropriation will not be large. As I have said, already 500 of these officers have died. Let us, before this session ends, pass this act of justice to the remaining 3,000. [Applause.]

SECOND INTERNATIONAL IMMIGRATION AND EMIGRATION CONFERENCE

The SPEAKER pro tempore (Mr. SNELL). Under the special order the gentleman from Tennessee [Mr. McREYNOLDS] is recognized for 20 minutes.

Mr. McREYNOLDS. Mr. Speaker and gentlemen of the House, I have asked for this time to discuss H. R. 10167, which is a bill to authorize the President to accept the invitation of the Cuban Government to appoint delegates to the Second International Immigration and Emigration Conference, to be held at Habana commencing on to-morrow, March 31, 1928.

This bill is now pending on the calendar of this House. The bill was introduced and referred to the Foreign Affairs Committee, of which I am a member, and was reported out by that committee over my protest.

When the committee met on last Tuesday, they designated the bills of that committee that were to be called up by its chairman on Calendar Wednesday, day before yesterday, and this bill was one among the number. On that date, the chairman, after calling other bills, notified me that he would call this bill next, and at that time I raised the point that there was no quorum in the House and the Members were called to the House, and I am informed so soon as many found out the character of this bill they signified such opposition that the chairman refused to call it.

Feeling that I am somewhat responsible for the failure of the passage of this bill up to this date, I desire to state my reasons for so doing.

This bill was drawn by the State Department and sent to the chairman of the Foreign Affairs Committee for introduction, as is the usual manner in cases of this character. Although the Secretary of State had knowledge of the fact that the passage of this bill was bitterly contested and doubtful as to its passage, regardless of the responsibility of Congress, he has seen fit to have the delegates appointed to attend this convention, and I presume that they are either now in Cuba or on their way. This is merely another demonstration of the high-handed proceedings that are often resorted to by departments to use their own power, even if that is in question. I feel that the action of the Secretary of State in this matter is an unwarranted act on his part, and one which deserves rebuke by this legislative body.

Why was it necessary for that department to have this bill introduced if they did not feel that it was necessary to have the concurrence of Congress, yet now they are acting upon their own initiative.

Shortly, I might say, that I consider the immigration question purely a domestic one, about which we do not need the suggestions or concurrences of other nations. The policy of this Government has been thoroughly established on this question by the immigration act, which was passed in May, 1924. It took many years to establish this right, that Congress should control immigration, as required by the Constitution of the United States. In the early history of this country it was left to treaties and conventions.

The treaty between the United States and China, proclaimed February 5, 1870, contains the following language:

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residence.

Anyone who is familiar with the history of this country and the result of this agreement and the effects that it had upon the people of California when that country was overrun by the Chinese can readily understand the irrevocable injury and



great disaster that was happening to our country. Various agreements were made through the State Department modifying this agreement, but the people of this country did not get relief from what was known at that time as the "Chinese peril" until the exclusion acts were passed in 1882 for a period of 10 years and then in 1892 made permanent. This was the result of this country endeavoring to treat the immigration question as a matter of treaty.

Another evidence of this country undertaking to treat with other countries on this subject was in 1908, when President Roosevelt made what was called a "gentlemen's agreement" with Japan, which was not even submitted to the Senate of the United States for ratification, and, it might be said, did not rise to the dignity of a treaty, yet was respected by this country for some 16 years.

There were those in this country at that time, and even up to this time, who advocate that questions of immigration should be left to the powers of state either by treaties or conventions.

The Hon. George W. Wickersham, formerly Attorney General of the United States, is quoted as saying that immigration matters should be dealt with, so it seemed to him, by negotiations with these foreign countries. The agreement which might be reached through negotiation would not necessarily be a treaty but the sort of agreement which customarily is made by the executive branch of our Government, as, for example, the International Postal Convention.

There is quite a range of international agreements not rising to the dignity of a treaty respecting which throughout our history the executive Government has acted without reference to the treaty-making power.

If such agreements were made and accepted as a means of regulating immigration, it would rob Congress of control over our domestic policy and partially surrender to foreign countries an agreement as to our internal affairs. The control of immigration by treaties or conventions would endanger the rights of the American people in a most serious problem. This question was absolutely settled by Congress in May, 1924, when the immigration act was passed, to which I have heretofore referred; but even when that act was under consideration before the committee of the House the executive department sent to that committee an amendment to be inserted in the following language as an exception to section 3:

An alien entitled to enter the United States under the provisions of a treaty.

This amendment was unanimously rejected, but had it been adopted the immigration question would have been controlled by the State Department whenever it saw fit to make a treaty.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JOHNSON of Washington. That may have been proposed in those words, but it was intended to fulfill the words of then existing agreements, and thereupon the committee wrote into the law a provision permitting aliens to come under then existing treaties.

Mr. McREYNOLDS. I thank the gentleman for his suggestion.

After this amendment was refused, evidently not willing to relinquish their power, the State Department submitted to the conferees an amendment which provided that certain provisions of this bill shall not apply to the nationals of those countries with which the United States, after the enactment of this act, shall have entered into treaties by and with the advice of the Senate by the restriction of immigration. Do not these amendments as sought by them show plainly that the State Department at that time still desired to leave the question of immigration open to treaties made by that department?

It is the history of all the departments that they are always seeking more power and oppose the relinquishment of any power which they possess. This is true of all the departments of Government, and if power is continued to be given to them it would result in a bureaucratic form of government which is even worse than a monarchical form of government, because bureaucracy is not responsible to anyone. As was said by my distinguished colleague on the floor of the House a few days ago, in a monarchical form of government you would know who to shoot or hang.

The committee, in making their report on this bill, quotes the Secretary of State's letter to the President requesting this authorization. In that letter, among other things, he says, first, the United States appears to be in some degree committed to the participation in this convention, not only by reason of the fact that it was formerly represented in its previous conference held in Rome in 1924, but more especially because one of the

members of the delegation of this country voted in favor of the convening of a second conference.

It is customary that whenever the President desires to appoint delegates to a convention or international conference that he comes into Congress for an authorization for the appropriation to cover their expenses, such as was done in the bill now pending. Why should we, as Members of Congress, vote for this present authorization and be bound from the fact that we had delegates to the other conference, when no authorization or resolution was offered in this House to provide for the expenses of the delegates that attended the conference in Rome in 1924? Why was not a resolution offered at that time? It was due to the fact that the immigration bill was then pending in Congress, and Congress had refused to amend that bill as suggested by the State Department, leaving matters of immigration to international agreements, and the State Department well knew that no such resolution could be passed during that Congress. The result was that the President appointed five delegates to attend that convention without the knowledge of Congress, and we are now asked to use their acts as a reason for our action. As a matter of fact, only one member out of that delegation voted for that resolution.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. MORTON D. HULL. Did any harm come from participation in the Rome conference?

Mr. McREYNOLDS. I shall get to that in a few minutes.

Mr. JOHNSON of Washington. It got us into this conference anyway.

Mr. McREYNOLDS. I might ask, did any good come from it?

The act of the Secretary of State at that time, requesting the President of the United States to appoint delegates to the Rome conference, is further evidence that that department did not want to relinquish the right to determine this great domestic question by treaties or agreements. Had we given the right at that time to participate, we no doubt would have been responsible for our delegates' actions and embarrassed if we did not accept this second invitation.

What was discussed in the Rome conference? The conference was divided into four sections, and two of the sections were as follows:

The measures to be taken to adapt emigration to the demand for labor in the countries of immigration, for cooperation between the immigration and emigration services of different countries.

Another:

The general principles which should be adopted in treaties of immigration and emigration.

What do you think of this country sending delegates there to consider this question which had just been settled by Congress, or why should they attend this conference to discuss matters of this kind?

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield there?

Mr. McREYNOLDS. Yes.

Mr. COLE of Iowa. Might we not go there to confirm the position we have taken? And would it not be an act of disrespect or discourtesy not to attend this conference?

Mr. McREYNOLDS. I do not think so, and I do not want to bind Congress to some action which the State Department took upon this question.

It can not be conceived but that all of the nations of the world are thoroughly familiar with our policy, but if a personal explanation was necessary, why was it not done at the first international conference, when our policy was bound to be fresh in their memories? You will see from this that our delegates were attending the convention without authority from Congress, and discussing the very questions which we, in our immigration bill, had settled, and yet the State Department now recommends that we accept and appoint delegates to this second international conference on account of the fact that we participated in the first conference.

In view of these facts, to pass such a resolution would be a ratification of their acts and a reflection upon this body. Many questions were discussed in that conference, such as passport and contracts, emigrants' charters, colonization, regulation of recruitment, and the statements were made and insisted upon by many delegates that it was competent to examine all questions concerning emigration and immigration.

Here are some of the principles finally adopted by that conference for transmission to the governments who had participated: The first, the right to emigrate though restrictions

may be embodied for reasons of public policy or economic reasons, or for protection of material and moral interests of the emigrants themselves; the right to immigrate, though restrictions may be imposed for economic and social reasons, based in particular upon the state of the labor market and the necessity of safeguarding the hygienic and moral interests of the country of immigration; freedom of immigration and emigration should be recognized in the case of different members of the family of an immigrant already established in the country of immigration, unless there are personal reasons making this undesirable; that emigrants should enjoy such rights on the same conditions as nationals and on the same basis of reciprocity.

These are some of the principles that were adopted in that conference, and a copy of which was sent to all the countries who participated. You can readily see from what I have quoted above that various resolutions were passed at that conference about matters of which we have absolute control through Congress, and have already passed laws concerning the same.

It was argued by many delegates, according to the proceedings published, that immigration and emigration was an international question, and that the problems of immigration and emigration should be treated internationally.

What benefit did this Government derive from this conference? All of the resolutions adopted by that conference were transmitted to this Government, and upon my inquiry of the State Department a few days ago as to what action, or what had been done, with these resolutions, I was informed that the same had been filed in the Treasury Department and in the Labor Department without comment. Regardless of this fact, we are now asked to provide money for the expenses of what might be called another "junketing trip."

Mr. LA GUARDIA. Mr. Speaker, will the gentleman yield? Did not the American delegates make known the policy of this country as to immigration?

Mr. McREYNOLDS. About that I have no knowledge, but I am advised now that they want to go down there so that they can tell the other countries of the world what our settled policy is.

Mr. LA GUARDIA. The world knows it by this time.

Mr. McREYNOLDS. It certainly would be presumed that they know it.

A few days ago, on March 19, I addressed a letter to the State Department requesting that they advise me as to what specific instructions were given to the delegates who attended the Rome conference. The answer to that inquiry was in diplomatic form, but said that this was considered confidential. In the same letter, inquiry was made as to out of what funds their expenses were paid, and the answer from the State Department was that their delegate was paid out of the general funds. They have what is known as an emergency fund in that department, and I presume that they felt that an emergency had arisen to send these delegates to Rome in 1924, and it was out of that fund, evidently, that the expenses of the delegate from the State Department were paid. Two delegates went from the Labor Department, and I am informed, not by that department, that their expenses were paid out of the immigration fund. I am rather of the opinion that the appropriations made for the enforcement of the immigration laws were not intended for the payment of delegates' expenses to an international conference on immigration.

Now, what do they propose to discuss at this second international conference? By examining the agenda I find that they are similar matters as those that were discussed in the other conference, such as professional selection of emigrants before starting from their country of origin; exchange of workers desiring to improve in the knowledge of the language or industrial and commercial customs of another country; agreement between countries concerned in wanting to favor the colonization of uncultivated lands; simplification of the visa formalities for immigrants; limitation of immigration only for the purpose of protecting the home labor market, and not to be applied to the members of the immigrant's family.

These are questions which strike at the very vitals of our present immigration laws, and the enforcement of which we consider absolutely necessary for the protection of our character of government, our standard of living, our institutions, and our liberty.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. McREYNOLDS. There is also to be a report from the different countries as to what has been done by their respective countries toward putting in effect the resolutions adopted by the Rome conference. We have not as much right to meet in a conference on the question of immigration as we have on the right of the tariff, and I am sure you all are familiar with the embarrassing situation that arose at the Pan American conference which was held in Cuba not long since over the discussion of the tariff.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. EDWARDS. Is it a fact that delegates have actually been named to this Habana conference without authority of law?

Mr. McREYNOLDS. In so far as this House is concerned, yes; without authority from this House. As to whether or not the President has the right to appoint delegates to a convention without the concurrence of the House, probably he has.

There are bills now pending before this Congress to regulate and control immigration from some of the Latin American countries, and, of course, their interests in that case will not be our interests.

It is insisted by some that by appointing delegates to this convention that we can be of great assistance to certain South American countries. The trouble with this Government at the present time is that they are undertaking to interfere too much and control the internal affairs of the South American Republics. We are not requested by them, neither is it our duty, to become the guardian of the South American countries; in fact, they resent it; they are entitled to exercise the sovereignty of their own nations, and on account of the policy which we have recently pursued in Nicaragua many of our boys are being ruthlessly murdered.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JOHNSON of Texas. They are not there by act of Congress?

Mr. McREYNOLDS. Not by any means.

From recent developments it seems that the party in power will have sufficient to do to keep their own household in this country in order, and when they do, we will have less crimes and misdemeanors in high places, which have shocked and horrified the citizenship of this great Republic. [Applause.] The United States of America is our home, and it is our duty to protect it, and we can not protect it unless we have proper restricted immigration laws. Ever since the immigration act of 1924 was passed there has been a continuous effort on the part of certain organized minorities to lessen our restrictions, and it behooves the American people to see that not even the first step is taken that would in any wise cause this to be done.

American institutions rest solely upon the character of our citizenship. The people of the United States through their representatives in Congress should determine what character of people should come to this country, how many, and under what conditions. This is the power that we are exercising now, and it is the power we should continue to exercise, and no authority whatever should be delegated to anyone directly or indirectly to meet in convention with other nations to consider or discuss our established policy. It is too vital to our Nation, too vital to our institutions, our standard of living, our laws, and our rights as a free and independent people.

America must be kept American, without hindrance and without chance of being embarrassed, by being brought into a foreign conference of this character. [Applause.]

The SPEAKER pro tempore (Mr. LA GUARDIA). The time of the gentleman from Tennessee has again expired. By special order of the House the gentleman from Mississippi [Mr. LOWREY] is recognized for 15 minutes.

#### THE RESTORATION OF THE LEE MANSION

Mr. LOWREY. Mr. Speaker and gentlemen of the House, a piece of legislation which carries more than ordinary significance and interest recently passed both Houses of the Congress, and has now been signed by the President and thus becomes law. I refer to that paragraph of H. R. 10286 which provides \$10,000—

for making an investigation and survey to determine the condition of the building and repairs necessary, and for commencing the restoration of the Lee Mansion as authorized in Public Resolution 74, approved March 4, 1925.

For years there has been a growing and a commendable feeling that Arlington should in some way be marked and remembered as the home of the heroic leader of the Con-



federate Army. John Ball Osborne, Military Order of the Loyal Legion, says in his book, *The Story of Arlington*:

Arlington will always remain closely associated with the name of Gen. Robert E. Lee, the leading military figure of the Southern Confederacy, for it was his home during 30 years and the place where his happiest days were spent.

Thirty years ago I came to Washington, as people occasionally do, with a party of sightseers, about a hundred people, all of them southerners. Most of them were on their first visit to the National Capital. I noted with grief, and yet with approval, their expressions that in and around the splendid residence of Robert E. Lee there was not one thing to remind us by atmosphere that this was once his home. There mingled into our party a stalwart New Englander, who had come to visit the grave of his father. As he heard these expressions from my southern friends, he quietly remarked, "I don't blame them; I should feel that way myself."

From that day to this I have had a growing conviction that this thing ought to be changed, and that one day it would be changed. "His enemies themselves being judges," Lee stands as one of the purest and gentlest and at the same time one of the most brilliant and heroic men in American history.

An editor of a great New York magazine referred to him recently as the most splendid and heroic character of the Civil War, and said, "I am glad to have the columns of this magazine used to honor his name." When I spoke from this floor on this subject some years ago, the lamented Congressman Osborne, from California, was the only Union veteran in the House. He wrote me a letter of cordial appreciation and assured me he considered it a privilege to join in such a cause.

Seven years ago, within two months after I began my service in the Congress, I began my advocacy of this measure with a speech in which I urged that the home of Lee should be restored, should be kept in its original form and beauty, and, like the home of Washington, should be held sacred in the hearts of our people. It has taken seven years for this to come to pass, but I remember the patriarch of old who served seven years, and then another seven, before he got the full desire of his heart. During these years I have often discussed this matter publicly and have urged it through personal appeals and private interviews enough, perhaps, to gain the reputation of a nuisance and a crank with people who were not interested in the subject. But I have found all along some happy surprises as to people who showed a vital interest in the matter. One of the most ardent advocates of the cause has been that brilliant penwoman, Mrs. Frances Parkinson Keyes, of New Hampshire, who was born in Virginia and maintains a spirit of loyalty and devotion to the Old Dominion and its people. Again, Public Resolution 74 was brought before the House and sponsored by Representative Cramton, of Michigan, son of a Union soldier, who has said to me that he received his high opinion of Robert E. Lee from his good father, who went South and fought against Lee for four years.

I think it might be interesting to have just here something of a brief history of Arlington.

On January 6, 1759, Mrs. Martha Dandridge Custis, a beautiful and wealthy young widow of Virginia, became the wife of Col. George Washington, the hero of Braddock's field. By this marriage Colonel Washington became the stepfather to two children, John Parke Custis and Martha Parke Custis. After their honeymoon Colonel and Mrs. Washington with the two children took up residence at Mount Vernon. The girl Martha, died at Mount Vernon in her seventeenth year. At 21 years of age the boy, who had come to be known as Jacky Custis, was married to Eleanor Calvert, aged 16, the daughter of Benedict Calvert, of Mount Airy, Md., and a descendant of Lord Baltimore.

During the latter years of the Revolution this stepson served as aide on the staff of General Washington. At the siege of Yorktown he was stricken with camp fever and died there immediately after the surrender of Cornwallis. General Washington adopted two children of this stepson, Eleanor, or Nellie, aged 2½ years, and George, aged 6 months. Thus General and Mrs. Washington, in their declining years, had again in their home two children, a boy and a girl, by the name of Custis, this time the grandchildren of Mrs. Washington.

In 1799 the illustrious master of Mount Vernon passed away, and was followed some three years later by his devoted wife. Mount Vernon became the property of Justice Bushrod Washington, a nephew of the general, and the grandson, George Washington Parke Custis, now 21 years of age, took up his abode on the Arlington estate. By reason of inheritance from both his father and his grandfather, he had just become one of the wealthiest men in the State of Virginia. On Arlington

Heights, just across the Potomac from the new Capital City of the Nation, he erected a splendid mansion, with a frontage of 140 feet, and built of brick which had been made and burned on the premises under Mr. Custis's own supervision. The grand portico, 60 feet wide and 25 feet deep, and uplifted by eight massive Doric columns, is modeled after the Temple of Theseus at Athens. This mansion was completed in the year 1803, and it still stands in good state of preservation, looking majestically across the Potomac over the splendid National Capital, which has now grown to a city of more than a half million people.

At the age of 23 George Washington Parke Custis was married to Mary Lee Fitzhugh, aged 16, a descendant of the Randolphs from Virginia. The young couple took up their home in the newly completed Arlington house, where they reared their only daughter, Mary Ann Randolph Custis. As this beautiful Virginia heiress blossomed into young womanhood there came among her admirers a frequent visitor to Arlington, young Robert Edward Lee, a son of the dashing Revolutionary hero, Light-horse Harry Lee, and a descendant of an illustrious line of Lees coming all the way down from the days of William the Conqueror and the Norman Conquest. In 1829 young Lee graduated from West Point, second in his class. And two years later, in the drawing-room of Arlington House, the Rev. William Meade, afterwards Bishop Meade, performed the marriage ceremony uniting the lives of Lieut. Robert Edward Lee and Mary Ann Randolph Custis.

Although Lieutenant Lee had inherited the ancestral estate at Stratford, where some of his distinguished ancestors had been born and had spent their lives, he yielded to the earnest wishes of his wife's parents and took up his home at Arlington. This was the permanent home of the Lee family up to the 22d of April, 1861, when they went to Richmond, where Colonel Lee became General Lee, commander of the Confederate forces.

Not lightly or recklessly, as some have supposed, but with deep devotion and with deep emotion Colonel Lee resigned his commission in the Federal Army and, remaining loyal to his native State, consecrated his sword to the service of Virginia and the Confederacy. On Saturday, April 20, 1861, Lee wrote to Gen. Winfield Scott, resigning his commission as an officer in the Union Army. In that letter he said: "Save in defense of my native State I never again desire to draw my sword." And Mrs. Lee said later: "My husband has wept tears of blood over this matter." General Lee said to Mr. Blair, who sounded him at the request of President Lincoln about taking command of the Union Army, "Mr. Blair, if I owned the 4,000,000 slaves of the South I would sacrifice them all to the Union; but how can I draw my sword upon Virginia, my native State?"

When Lee and his family went to Richmond they left Arlington in the hands of John McQuinn, a faithful overseer of the family. Almost immediately the Union forces swept across the Potomac, took possession of Arlington Heights, and fortified it strongly as one of the important defenses of the Capital City against the armies of the Confederacy. The old mansion became the headquarters of the officers, and upon the surrounding grounds there arose a city of tents; the once spacious and peaceful lawns and groves resounded to the tramp and noise of a great military camp. From that day to this Arlington has remained in the possession of the United States Government.

As the Civil War progressed and military camps and hospitals in the vicinity of Washington multiplied, the number of deaths among the soldiery ran up into thousands, and the question of burial places became a serious one. On May 13, 1864, General Meigs ordered that the soldiers dying in the hospitals at Arlington should be buried on these grounds. He is said to have pointed out the exact spot on the terrace bordering the garden very near to the mansion, where he ordered that a dozen bodies awaiting burial should be immediately interred. It is somewhat singular that the first of these to be lowered into the grave was a Confederate prisoner of war, and the next who was laid beside him was a Union soldier. This action of General Meigs was promptly sanctioned by the Secretary of War, and under an order dated June 15, 1864, 200 acres of the estate, including the mansion, were appropriated for a military cemetery. Within one year from this date the number of graves on the premises had reached 5,003. After the close of the war many of the Federal dead from the battle fields and camps in easy reach of Washington were removed to Arlington, and by June, 1870, the number of graves had reached 15,932.

I shall not take time to review the legal proceedings by which the Government finally established the undisputed title to the Arlington estate. Of course, the Lees never returned to this ancestral home, and for years since the War between the States Arlington has been known solely as a national cemetery, dedicated to the memory of those who have given their lives in the military service of their country. Not only does it con-

tain the graves of thousands of Union soldiers but of many who wore the gray, and of many sons of both the blue and the gray, who gave or offered their lives to their country's cause in both the Spanish-American and the World Wars.

The SPEAKER pro tempore (Mr. SNELL). The time of the gentleman from Mississippi has expired.

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to proceed for four additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LOWREY. We of the South have been called on to pay tribute to the valor of the North, and gladly we have paid it. As worthy foemen we have honored the soldiers in blue; as honest foemen we have respected them; as reunited brethren we have worked with them; as comrades in arms our sons have shed blood under a common flag with theirs through two wars in a common cause. For more than half a century our money has been added to theirs to pension the veterans of the Grand Army, against which we fought; to buy, beautify, and maintain Federal cemeteries from Gettysburg to Vicksburg; to erect monuments to Federal leaders.

The loyalty of the South is established, sealed with the blood of her sons. Before the secession she had given largely to the building of the Nation. Since the reunion she has given just as generously. I would not say that she has come back to the Union conquered, because in her attitude toward the Government she has exhibited none of the animus of defeat.

The South has come back with head erect and eyes unafraid, having fought to her last energy for a principle which she considered vital, but accepting the issue of battle with good grace and honest courage.

In true Southern and true American spirit we now accept this national tribute to Robert E. Lee, not as an expression of sympathy or mercy to an unworthy cause or a recreant people, but as an expression of a nation's honor to one of that nation's greatest heroes, who deserves every tribute that may be paid to his high character, his great ability, and his splendid achievements. [Applause.]

#### THE DISABLED EMERGENCY OFFICERS' BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, is the gentleman going to discuss the private bills we have been waiting on so long?

Mr. SIMMONS. No.

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, as the gentleman from Georgia has pointed out, to-day is supposed to be given over to the consideration of bills on the Private Calendar and many Members have been waiting patiently for their bills to come up. It so happens that I am on the other side of the question which the gentleman from Nebraska desires to speak about, so it would not be in good taste for me to object; but if any Member has a private bill on the calendar now is the time to object. [Laughter.]

The SPEAKER pro tempore. Is there objection?

Mr. LINTHICUM. What subject is the gentleman going to talk about?

Mr. SIMMONS. Golf and the disabled emergency officers' bill.

The SPEAKER pro tempore. Is there objection?

Mr. HASTINGS. Mr. Speaker, I do not want to object, but I just wonder whether this is going to lead to more requests for time to address the House. I think there should be a sort of gentlemen's understanding that we will take up the Private Calendar after the gentleman from Nebraska has finished his remarks.

Mr. UNDERHILL. Mr. Speaker, if there are further requests I shall object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker, on March 16 Senator BINGHAM inserted in the CONGRESSIONAL RECORD, beginning at page 4745, a list of the emergency officers of the World War who will be beneficiaries of that bill should Congress pass it. I called attention to that list a few days ago, and I call attention to it again in order that Members may study that list, as it shows the men in their States who are beneficiaries of it, and know definitely what they are voting for if they feel inclined to support that bill.

It has been called to my attention that in the State of South Dakota there is a disabled emergency officer who holds practically all of the amateur golf titles in the northern half of that State. Those of you who play the game of golf know that it

requires a man of considerable physical acumen and muscle control to play it at all and to win championships. This man is now receiving \$35 a month as compensation for a tumor on a nerve of his leg and for arthritis of the right shoulder and neck. That is the hardening of the muscles of the shoulder and of the neck. If the disabled officers' bill becomes a law that man will receive \$218.75 a month for life. That is what you propose to pay the golf champion of South Dakota under the provisions of this bill. What does that mean? It means you are going to pay to that man more than a disabled soldier gets under the law who has a rating of double total disability. This Congress in its generosity two years ago gave blind men, men who lost their eyes in battle, \$150 a month plus \$50 a month for an attendant, or \$200 that blind men receive who lost their sight in battle. We felt we were dealing fairly by them; and now you are asked to pay a man who is the golf champion of his State, or, at least, the northern part of it, more money for life than you give to a man who lost both of his eyes on the field of battle.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. LA GUARDIA. The gentleman surely can not take this one exceptional case as typical of many of the hundreds of deserving cases he has before him?

Mr. SIMMONS. No; but I call the attention of the House to it because the record is full of cases of that kind.

I may say there are some who have battle disabilities but they are the great minority on this list, and while we are discussing, generally, the list, it is the opinion of one of the leading lawyers in the Veterans' Bureau that this bill, as drawn and as reported to the House by the World War Veterans' Legislation Committee, will give disabled retirement pay to dishonorably discharged officers of the World War.

It gives no consideration whatever to the widows or the orphans of the men who are dead. I say these things in all fairness because I want the Congress to know the facts when this bill comes up, and I assume some time it must come up for a vote. If you will study this list that is in the RECORD you will find the men of your State who are the beneficiaries of it, and, of course, it is for the Members of the House to decide whether or not they want to grant these benefits to these men.

Mr. JOHNSON of Washington. Will this require the approval of the Budget?

Mr. SIMMONS. The bill does not have it.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

#### STATEMENT ON H. R. 12349

Mr. SUMNERS of Texas. Mr. Speaker, I desire to submit a unanimous-consent request. For the information of the House I should like the privilege of printing a very brief statement with regard to the bill (H. R. 12349) introduced by myself, proposing an amendment of the Federal reserve act increasing from 15 days to 90 days the maximum time limit of paper of a member bank secured by eligible paper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. UNDERHILL. They are the gentleman's own remarks?

Mr. SUMNERS of Texas. Yes.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following brief statement with regard to the bill H. R. 12349, introduced by myself, proposing an amendment of the Federal reserve act increasing from 15 to 90 days the maximum time limit of paper of a member bank secured by eligible paper:

This bill would amend section 13 of the Federal reserve act so as to increase from 15 days to 90 days the maximum maturity of advances which Federal reserve banks are authorized to make to member banks on their promissory notes secured by paper eligible for rediscount or for purchase by Federal reserve banks under the provisions of the Federal reserve act or by the deposit or pledge of bonds or notes of the United States. The only change which it would make in the language of the present law would be to change the word "fifteen" to "ninety," and the only legal effect which it would have would be to extend the maximum maturity of such advances from 15 days to 90 days.

Prior to the establishment of the Federal reserve system banks borrowed from their correspondents on their own promissory notes secured by the pledge of collateral in the form of paper acquired from their own customers, Government bonds, or any other good security which they had to offer; and there was no legal limitation on the maturity of such borrowings. This was the well-established method of interbank borrowing,



and was mutually satisfactory to both parties. The original Federal reserve act authorized Federal reserve banks to rediscount for their member banks notes, drafts, and bills of exchange arising out of commercial transactions having a maturity not in excess of 90 days, and notes, drafts, and bills of exchange issued or drawn for agricultural purposes with maturities not in excess of six months; but it did not authorize Federal reserve banks to make direct loans to their member banks on the promissory notes of such member banks secured by such paper as collateral. To many member banks, however, the necessity of rediscounting many separate pieces of commercial paper with varying maturities and in varying amounts seems cumbersome and inconvenient, and they prefer to borrow from their correspondent banks on their own promissory notes, as they were accustomed to do before the enactment of the Federal reserve act, rather than to change their method of borrowing, so as to avail themselves of the facilities of the Federal reserve system.

This situation was improved to some extent by the amendment of September 7, 1916, which authorized Federal reserve banks to make direct loans to their member banks on their promissory notes secured by paper eligible for rediscount or for purchase by Federal reserve banks or secured by bonds and notes of the United States; but the maturity of such promissory notes of member banks was limited to 15 days. The privilege thus afforded is used quite extensively by member banks located in the same cities as Federal reserve banks or branches or in near-by places; but it is not availed of to any great extent by country banks, which find it inconvenient to renew their notes every 15 days. This results in much dissatisfaction on the part of the country banks and is one of the reasons why more State banks do not join the Federal reserve system.

Friction and dissatisfaction with the Federal reserve banks on account of the necessity of rediscounting their customers' paper instead of borrowing on their own promissory notes secured by such paper also grows out of the fact that frequently the Federal reserve bank finds it necessary to decline to rediscount some of the paper offered because it is found to be technically ineligible for rediscount under the Federal reserve act or undesirable from a credit standpoint. On account of this contingency a member bank offering paper to a Federal reserve bank for rediscount frequently does not know how much of it will be accepted and how much will be rejected. Member banks located at a distance from the Federal reserve bank thus are frequently forced to submit to the Federal reserve bank for rediscount an amount of paper in excess of the amount of credit which they actually desire, in order to be sure to obtain as much credit as they need. This causes dissatisfaction on the part of country member banks and gives rise to further criticism of Federal reserve banks.

These difficulties would be entirely eliminated by the amendment proposed in this bill, because a country bank desiring a certain amount of credit could make out its promissory note to the Federal reserve bank for the exact amount which it desires to borrow and offer as collateral security for such note eligible paper from its portfolio in an amount in excess of the note. If all of the paper offered as security is found to be eligible for rediscount and acceptable from a credit standpoint, no harm is done, since the member bank has not borrowed any more than it needs and the excess amount of paper offered for collateral security can be returned to the member bank or held by the Federal reserve bank as a basis for future credit. If part of the paper is found to be ineligible for rediscount or undesirable from a credit standpoint, there probably will still be enough to secure the note of the member bank and it will not be disappointed in its application for credit. This is the way in which country banks have been accustomed to deal with their city correspondents and is entirely feasible if they are permitted to borrow on their own promissory notes for periods of 90 days, but is impractical from the standpoint of country banks if they are not permitted to borrow for more than 15 days.

It is believed, therefore, that the enactment of this bill will be of much benefit to the country banks and will eliminate one of the principal causes of dissatisfaction and criticism of the Federal reserve system. It can do no harm, because the notes must be secured by paper which is eligible for rediscount or for purchase by the Federal reserve bank under the existing provisions of the Federal reserve act or by bonds and notes of the Government of the United States which Federal reserve banks are now authorized to purchase under the provisions of section 14 of the Federal reserve act.

A similar amendment is recommended by the Federal Reserve Board on page 49 of its annual report for the year 1927, wherein the board says:

It would save much trouble and expense to both the member banks and the Federal reserve banks, since it would eliminate the necessity

of listing separately the various pieces of eligible paper offered as collateral and would at the same time eliminate the necessity of frequent renewals. It would be especially helpful to country banks which are now deterred by the necessity of frequent renewals from using this more convenient form of borrowing from the Federal reserve banks.

#### PRIVATE CALENDAR

The SPEAKER pro tempore. Under the order of the House bills unobjected to on the Private Calendar will be considered in the House as in Committee of the Whole, beginning at the star.

The Clerk will report the first bill.

#### DISBURSING OFFICERS OF THE ARMY

The first business on the Private Calendar was the bill (H. R. 7186) to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, if the gentleman from Kansas will permit, I would like to ask the gentleman if he does not know that these goods were bought by these merchants "where is and as is"; and if this is true, why should we refund this money?

Mr. STRONG of Kansas. When the Congress authorized the Secretary of War to dispose of surplus war material they would take up a certain class of material and advertise it. They would count the number of bales of blankets in a warehouse—supposing they were blankets, for instance—and then would advertise so many bales of blankets of a certain grade. They would receive bids and would accept the highest bid. When they delivered them the purchaser would sometimes find that some of these bales contained rags or contained materials that were not blankets, and worthless. They would call this to the attention of the War Department and the proper officers would investigate the matter and give them credit upon their bid for this worthless material. This was allowed by the claims division of the department, but when it went to the auditor the auditor said, "No; these goods were bought 'as is,' and you must collect for them." These items were then charged back against the officer. If the amount was \$50,000 it would be charged against a captain, for instance. Of course, he could not pay the \$50,000, and it simply stands on the books. The accounts between the Government and the purchasers have been justly and equitably settled, but the charge now stands against the officer.

Mr. ROWBOTTOM. Will the gentleman yield for a question right there?

Mr. STRONG of Kansas. Yes.

Mr. ROWBOTTOM. Why were not these bales examined before they were sold by the Army officers?

Mr. STRONG of Kansas. Well, for instance, here is a warehouse with five or six hundred bales; they would have to open all of them. The chances are they would go down to the warehouse and open four or five bales of these blankets and on investigation would submit a proposal for bids, but later on it would be developed that some of the bales were found not to contain blankets, but worthless material.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. LA GUARDIA. Has the gentleman given us all the facts and all the law in the case?

Mr. STRONG of Kansas. I do not suppose I have given all of the facts in all of these claims in this brief time.

Mr. LA GUARDIA. I know the gentleman inadvertently overlooked the fact that these cases went to the Court of Claims.

Mr. STRONG of Kansas. Yes.

Mr. LA GUARDIA. And the Court of Claims held that the War Department had no power or authority to make refunds because the law specifically provided that the goods should be sold as is and where is.

Mr. STRONG of Kansas. I beg the gentleman's pardon. The case of Jacob Levy & Bro. was decided by the Court of Claims as follows: That such terms of sale deprived the purchaser of the power to enforce adjustment, but left it optional with the Secretary of War.

Mr. LA GUARDIA. Yes.

Mr. STRONG of Kansas. And he had exercised his option. Mr. LA GUARDIA. But the Secretary of War had no such option. The Secretary of War could get his power only from the Congress and the law which authorized the Secretary of War to sell surplus supplies specifically provided, in order to overcome the very proposition now before the House, that they

were to sell as is and where is, resulting in the Government getting a very low price for these goods. Then when these purchasers went in and bid for this property as junk and paid junk prices and they did not find silk or did not find blankets, although they bid for them as junk, they came in and said that they wanted their money back.

Mr. STRONG of Kansas. I think the gentleman is making an argument which is unfair in this case. They did not bid for junk. The War Department advertised certain grades of blankets, and they bid on the blankets and not on junk; and when they were delivered junk instead of blankets, naturally they came back to their Government and said, "We bought blankets and you have given us rags."

Mr. LAGUARDIA. At \$1.27 a bundle.

Mr. STRONG of Kansas. At \$1.27 a blanket.

Mr. LAGUARDIA. Oh, no.

Mr. ROWBOTTOM. One dollar and twenty-seven cents a bale. Does not the gentleman know that there is more than \$100,000 of refunds involved in this bill?

Mr. STRONG of Kansas. Yes; but it does not take a dollar out of the Treasury. They are settlements that have been made between the purchasers and the Government. The officer should not be held in the matter.

Mr. LAGUARDIA. Without authority of law.

Mr. ROWBOTTOM. Mr. Speaker, I think we will have to object for the present until we get more information.

Mr. STRONG of Kansas. What other information does the gentleman want? Let me proceed for a few minutes.

Mr. HARE. Let me ask, did the committee find in some cases where the Government set up pairs of shoes and the man who bid for a pair of shoes when he came to examine them found both shoes were for the same foot? He did not get a pair of shoes. In other words, the Government had deceived and misled him. As I understand, this is only to correct the books of the War Department.

Mr. STRONG of Kansas. The War Department advertised these goods, making certain representations, and the purchasers bought under those representations. They did not get the kind of goods that the specifications called for.

Mr. WRIGHT. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. WRIGHT. In some cases after the goods had been catalogued and advertised for sale "as is where is," and with the statement that the purchaser could inspect, when the purchasers went to inspect the goods they were told by the officer in charge that it was utterly impossible to inspect them because they were in bundles and boxes piled up to the ceiling, but they would exhibit samples of the goods on the day of sale, and samples were exhibited at the sale and goods were sold by the samples. When the goods were delivered perhaps they found shoes that were mismatched, one No. 6 and No. 8, two rights in one and perhaps two lefts in another. When they came to undergarments they might be saturated with tar or some preparation in which they had been packed for shipment overseas. Then the attention of the officer would be called to the damaged goods, and it would be settled by allowing the purchaser to pay an agreed price. This is not a charge on the Treasury but it is to carry out what the Government officials agreed to in the purchase.

Mr. LAGUARDIA. We can hardly say that it is not a charge on the Treasury when they bid a certain amount and did not pay the whole amount.

Mr. STRONG of Kansas. They did not always pay in; sometimes the officer would say, "Here are goods that are not according to the sample," and the board would say, "All right; let them pay for those that are right and not pay for the balance." When the officer came to make his report Comptroller General McCarl refused to approve the credit to the officer's account, so the matter stands against the officer's personal account. There are a lot of claims like this in this bill, the only purpose of which is to correct the books of the War Department.

Mr. ROWBOTTOM. I think an amount of \$104,000 is too large to go through in this way.

Mr. STRONG of Kansas. Will the gentleman wait? You can not get it through in any other way. The House has passed such bills twice, and now we can not get this one through because new men have got to study the question.

Mr. LAGUARDIA. Is the gentleman referring to me? I can tell the gentleman a few stories about surplus supplies.

Mr. STRONG of Kansas. I am not reflecting upon the gentleman from New York. There have been cases where the Department of Justice has ordered suit, and the United States attorneys have reported back that it would be impossible to secure a judgment. In this proposition you are simply depriving the officer from credit on claims that he could not have

collected. Certainly the gentleman does not want to make the officer stand these charges which now rest against his account.

Mr. HUDSON. Will the gentleman yield right there?

Mr. STRONG of Kansas. I yield.

Mr. HUDSON. At one time these goods were purchased by the War Department from somebody.

Mr. STRONG of Kansas. Not these goods.

Mr. HUDSON. Yes; they were purchased by the War Department and afterwards sold as surplus supplies.

Mr. STRONG of Kansas. The War Department did not buy rags for blankets.

Mr. HUDSON. No; the War Department bought blankets, and they may have bought rags. Some officer was guilty, if it is true.

Mr. STRONG of Kansas. The Members serving on the subcommittee have gone thoroughly into this.

Mr. HUDSON. I am not objecting to the bill.

Mr. STRONG of Kansas. The officer who had charge of this sale had nothing to do with the buying of the goods.

Mr. ROWBOTTOM. Mr. Speaker, I object.

#### PROVIDING FOR SUNDRY MATTERS AFFECTING THE NAVAL SERVICE

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to go back to H. R. 10276. The bill was reached the other day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. COLTON. Mr. Speaker, I do not intend to object, but when the unanimous-consent request was preferred by the gentleman from Connecticut [Mr. TILSON] it was expressly provided that we should start with the star number.

The SPEAKER pro tempore. The Chair understands that; but is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

[H. R. 10276, providing for sundry matters affecting the naval service]

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Arthur St. Clair Smith, United States Navy, and Capt. Charles T. Hutchins, United States Navy, in the amounts of \$96.17 and \$90.54, respectively, which amounts represent alleged losses sustained by said officers on account of fluctuation of exchange while serving as naval attachés at Peking, China, and which have been disallowed in their respective accounts by the General Accounting Office.

Sec. 2. That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Frederick G. Pyne, Supply Corps, United States Navy, in the amount of \$1,000, which sum was paid by the said Captain Pyne, Supply Corps, United States Navy, to Henry Moakley for special services rendered to the Navy Department by said Moakley in connection with an arbitration between the United States and the E. W. Bliss Co., of Brooklyn, N. Y., but which payment was subsequently disallowed in his accounts by the General Accounting Office.

Sec. 3. That the General Accounting Office is hereby authorized and directed to adjust and settle the claim of the Pace Institute, 30 Church Street, New York, N. Y., in the sum of \$833.50, and the claim of the Benjamin Franklin University, Transportation Building, Washington, D. C., in the sum of \$292.50, to cover the cost of instruction received at said institutions by certain naval officers who were duly authorized to receive such instruction during the fiscal years 1925 and 1926, and to pay the amount allowed from the appropriation "Contingent, Bureau of Medicine and Surgery," for said fiscal years.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MORRIS J. LANG.

The next business on the Private Calendar was the bill (H. R. 9334) for the relief of Morris J. Lang.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Morris J. Lang, who was a member of Headquarters Company, Sixty-first Regiment Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 4th day of March, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 6, after the word "Sixty-first," strike out the word "Regiment."



The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEONIDAS L. COCHRAN AND ROSALIE COCHRAN BRINK

The next business on the Private Calendar was the bill (S. 2020) for the relief of Leonidas L. Cochran and Rosalie Cochran Brink.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to Leonidas L. Cochran, of St. Andrew, Fla., lots 9 and 13 of section 11, township 4 south, range 15 west, of the Tallahassee meridian, Florida, and to Rosalie Cochran Brink, of St. Andrew, Fla., lots 2 and 3 of section 10, said township: *Provided,* That the parties named pay for the land described at the rate of \$1.25 per acre within six months after the approval hereof.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WIDOWS OF CERTAIN FOREIGN SERVICE OFFICERS

The next business on the Private Calendar was the bill (H. R. 10932) for the relief of the widows of certain Foreign Service officers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mabel Rees Coffin, widow of William Coffin, late American consul general at Berlin, Germany, the sum of \$9,000, being one year's salary of her deceased husband, who died while in the Foreign Service; to Sarah Linard, widow of the late Drew Linard, late American consul at Piedras Negras, Coahuila, Mexico, the sum of \$3,500, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; to Catherine Requa Johnson the sum of \$6,000, being a year's salary of her deceased husband, Stewart Johnson, who was killed while American chargé d'affaires in Egypt; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM HENRY JUDSON

The next business on the Private Calendar was the bill (H. R. 2525) for the relief of William Henry Judson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, this is one of the many bills on this calendar to correct a military record. This particular bill refers to the Civil War. This man enlisted in 1862 and deserted in 1863. The act of March 2, 1889, gave opportunity to correct records in certain meritorious cases. If we are going to make it the practice and custom to correct records of the Civil War, what is going to happen 25 years from now when the hundreds of thousands of deserters in the World War shall begin to come in to have their records corrected by act of Congress?

Mr. HAWLEY. Mr. Speaker, this soldier served one year and four months and was finally honorably discharged from the service.

Mr. LA GUARDIA. Where was he honorably discharged?

Mr. HAWLEY. The gentleman will find reference to it on page 2 of the report. He was discharged in his own State.

Mr. LA GUARDIA. Oh, no. He quit in 1863, and there was some fighting after 1863.

Mr. HAWLEY. The gentleman will find at the end of the first paragraph of the affidavit of William Henry Judson on page 2 of the report the following:

I was returned to my post of duty and the dishonorable discharge above mentioned was remitted.

He was only 16 years of age at this time and had already served more than a year.

Mr. LA GUARDIA. But the department says that without some testimony concerning the circumstances under which he left, and his whereabouts thereafter, it is impossible for the department to determine whether or not his case comes within the provisions of the act of Congress of March 2, 1889.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, I object.

CROMWELL L. BARSLEY

The next business on the Private Calendar was the bill (H. R. 6152) to correct the military record of Cromwell L. Barsley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, can the gentleman who introduced the bill give any reason why this man's record should be corrected by act of Congress?

Mr. COLLIER. Mr. Speaker, the reason is because the War Department did not do it. A great many years ago this man and another soldier were accused and convicted of stealing either one or two turkeys. They gave him six months in the penitentiary. He has had an honorable discharge since. While I admit that the man ought not to have stolen the turkey, it looks to me as if he has been sufficiently punished.

Mr. LA GUARDIA. He was honorably discharged in 1899, and this happened subsequent thereto?

Mr. COLLIER. Yes.

Mr. LA GUARDIA. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, Nineteenth Regiment Infantry, United States Army, on the — day of —, —: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 11, strike out the initial "D" and insert the initial "I."

Page 2, line 1, after the word "the," insert "23d" and after the word "of" insert "December, 1907."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Cromwell L. Barsley."

A motion to reconsider the vote by which the bill was passed was laid on the table.

MYRON C. BOND, GUY M. CLAFLIN, AND EDWIN A. WELLS

The next business on the Private Calendar was the bill (H. R. 1625) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myron C. Bond the sum of \$48.04, to Guy M. Claflin the sum of \$499.79, and to Edwin A. Wells \$116.67, all of said persons having been officers in the Thirty-first Regiment Michigan Volunteer Infantry, war with Spain, and which said sums were reported by the Court of Claims, and said sums are hereby appropriated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WILLIAM H. NIGHTINGALE

The next business on the Private Calendar was the bill (H. R. 2530) for the relief of William H. Nightingale.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, this is another bill to correct the record of a Civil War veteran. It is stated in the report that this man enlisted in 1861, and then went to Canada. Then he claims he re-enlisted under the name of William Raymond. The records show that one William Raymond was enrolled on October 3, 1863, at Lexington, Mich., as a private in Company B, Eleventh Michigan Cavalry. Does the gentleman from Oregon claim that William Raymond is the same as William H. Nightingale?

Mr. HAWLEY. I am informed that they were one and the same person, and that he was honorably discharged.

Mr. LAGUARDIA. I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William H. Nightingale, alias W. H. Raymond, who was a member of Company C, First Excelsior Brigade, New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 29th day of June, 1861: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### EXCHANGE OF LAND IN PHILADELPHIA, PA.

The next business on the Private Calendar was the bill (H. R. 9368) to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Reserving the right to object, Mr. Speaker, I would like to get some information from the gentleman from South Carolina [Mr. McSWAIN] on that bill. This bill provides for an exchange of Government property in the city of Philadelphia with the Pennsylvania Railroad Co. for the elimination of crossings and improvement of transit over the railroad. The committee has added an amendment to it to the effect that if the Government property is more valuable the difference shall be paid into the Treasury. The gentleman says in his report:

Furthermore, it is the opinion of your committee that should any such difference appear by such appraisal it shall not and will not constitute the basis of any claim against the Government and in favor of the railroad company.

I wonder if the gentleman would have any objection to an amendment to make that perfectly clear?

Mr. McSWAIN. What is the language of the amendment the gentleman proposes?

Mr. WARREN. Add at the end of the bill this language:

*Provide further*, That if it should appear by such appraisal that there is a difference in favor of the Pennsylvania Railroad, then said finding shall never constitute the basis of any claim against the Government by said railroad.

Mr. McSWAIN. The proposal from the railroad was to make an exchange. It was the railroad's own proposal, and in the interest of public safety, in pursuance of a scheme 15 years old, to eliminate grade crossings. If the railroad was willing to exchange the property itself without any difference, it seems to me there would be no objection to that proviso. Does the gentleman from Pennsylvania [Mr. Beck], the author of the bill, see any objection to that?

Mr. BECK of Pennsylvania. I see no objection to that at all.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized, in his discretion, to exchange, upon such terms and conditions as he considers advisable, with the Pennsylvania Railroad Co., or its nominee, a tract of land extending from the west side of Delaware Avenue to the east side of Swanson Street situate and lying between Bigler Street and Packer Avenue, in the thirty-ninth ward, in the city of Philadelphia and State of Pennsylvania, containing 11.38 acres, said tract now forming a part of War Department reservation at Oregon and Delaware Avenues, situate in the city of Philadelphia and State of Pennsylvania, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate the conveyance of the fee title thereof to the Pennsylvania Railroad Co., or its nominee; and in return for the said tract of land so conveyed by him, the Secretary of War be, and he is

hereby, authorized to receive and take title thereto in the name of the United States and in its behalf, a tract of land situate on the west side of Delaware Avenue between Packer Avenue and Pattison Avenue, in the thirty-ninth ward, in the city of Philadelphia and State of Pennsylvania, containing 11.38 acres, which tract upon its acquisition shall form a part of the said War Department reservation and be subject to the same control and right of disposition as other portions of said reservation.

With a committee amendment as follows:

Page 2, line 21, insert: "*Provided*, That before any such exchange, the War Department shall have both of said parcels of real estate appraised by competent and disinterested persons acquainted with the values of real estate in the vicinity of such property, at the expense of the Pennsylvania Railroad Co., and if such appraisal show that the parcel of real estate to be conveyed to the United States be of less value than the parcel to be conveyed by the United States, then in such event any difference in value shall be paid in money into the Treasury of the United States, and be credited to the Military Post Construction Fund, prior to the conveyance of the title hereby authorized."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Amend by inserting a colon after the last word on page 3 and add the following: "*Provided further*, That if it should appear by such appraisal that there is a difference in favor of the Pennsylvania Railroad, then said findings shall never constitute the basis of any claim against the Government by said railroad."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### MARY MCCORMICK

The next business on the Private Calendar was the bill (H. R. 5897) for the relief of Mary McCormick.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be paid from the appropriation "Pay of the Navy, 1925," to Mary McCormick, mother of Arthur James McCormick, late seaman, first class, United States Navy, the sum of \$356.40, being an amount equal to six months' pay at the rate received by said McCormick at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### WILLIAM H. ESTABROOK

The next business on the Private Calendar was the bill (H. R. 11107) for the relief of William H. Estabrook.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan [Mr. MAPES], who introduced the bill, why the War Department can not show that this man was in the hospital during the epidemic of smallpox on which he bases his claim for desertion? The record does not show he was in the hospital during that time.

Mr. MAPES. Mr. Speaker, the report of the War Department shows that he was in the hospital from November 24, 1864, to January 3, 1865. I think there is no dispute about his being in the hospital during that period as a patient. After that time he states that his company moved on and that the physician at the hospital requested him to serve as a nurse; that he did so serve until it was too late to rejoin his company, and after the war he went back to Michigan to his home. The War Department has no record, as I understand it, of his stay in the hospital while serving as a nurse, but there is no dispute about the fact that he was a patient in the hospital.

Mr. ROWBOTTOM. Did the gentleman say this man's commander said he was in the hospital acting as a nurse, or has the gentleman any statement from the doctors showing he served as a nurse?



Mr. MAPES. The soldier himself makes that affidavit.

Mr. ROWBOTTOM. He did not get anything from the doctor?

Mr. MAPES. No. I have a letter from an acquaintance and friend of mine about this man. The soldier himself is dead and his family think, and he thought during his lifetime, that this record did him an injustice, and they desire to have it cleared up.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. LAGUARDIA. Besides having the record cleared up, is there any pension accruing to any of his family?

Mr. MAPES. I am not certain about that; but I think not. I understand the man's widow is alive and if this bill should pass she might be entitled to a pension; but I am not absolutely sure about that.

Mr. HUDSON. Only by a special bill.

Mr. ROWBOTTOM. But the pension would not date back at all?

Mr. MAPES. No. No one has ever said anything to me about a pension for the widow. That is not the purpose of this bill. It is merely to correct the record of the soldier.

Mr. HUDSON. Is it not true that in those days the hospital records were very incomplete and that the affidavits set forth a very reasonable doubt as to their having been any real desertion?

Mr. MAPES. I think so. I will say that I have a letter from a friend of mine, in whom I have every confidence, in which he says this man returned to Michigan and was active in the G. A. R. at its encampments and otherwise, and in every way was recognized as a member of that organization in good standing; but he never had this record straightened up and his family is anxious to have it straightened up.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

Mr. TILLMAN. I object for the time being.

T. ABRAHAM HETRICK

The next business on the Private Calendar was the bill (H. R. 10714) for the relief of T. Abraham Hetrick.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the special reason for correcting this man's record by an act of Congress?

Mr. BLAND. The special reason is that the man claims—and supports his claim by affidavits—that he was wounded on April 6, 1865, three days before the surrender. The records of the War Department show that a man by this name, the initials not being given, was wounded. The spelling of the name was "Hetrich," while this man's name is "Hetrick." As I say, the records of the War Department show that a man by that name was wounded. Later, when he sought to have his record corrected, it was found that there had been stricken across the word "wounded" the words "not wounded, deserted." After being wounded he retired to his home and was not with his company when it was discharged, and then the entry of desertion was made. The facts are all set out in the report, so far as I know them.

Mr. LAGUARDIA. When was his company mustered out?

Mr. BLAND. My recollection is on April 25, 1865, shortly after the surrender, which was April 9, 1865.

Mr. LAGUARDIA. He was mustered in on February 4, 1865.

Mr. BLAND. That is very true, and there are affidavits showing that he participated in a number of engagements; I will not say a number, but in some engagements. Certainly he was in the Battle of Sailors Creek; he was wounded in the battle at Sailors Creek, and his father carried him home.

Mr. LAGUARDIA. There is a slight difference in the spelling of the name in the hospital records?

Mr. BLAND. The War Department does not say that, but there is a difference in the spelling of the name. My assumption is that "Hetrich" refers to the same man, but I can not say that is positively true.

Mr. LAGUARDIA. I will give him the benefit of the doubt.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, T. Abraham Hetrick, who was a private of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the

military service of the United States as a member of that organization on the 25th day of April, 1865: *Provided*, That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VERN E. TOWNSEND

The next business on the Private Calendar was the bill (H. R. 3029) for the relief of Vern E. Townsend.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vern E. Townsend, during his natural life, the sum of \$48 per month in addition to the sum of \$102 per month which he is now receiving under the provisions of the United States employees' compensation act, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as rural carrier at the Elgin, N. Dak., post office, said monthly payments to be paid through the United States Employees' Compensation Commission.

With the following committee amendments:

Page 1, line 6, strike out "\$48" and insert "\$46.66"; page 1, line 7, strike out "\$102" and insert "\$103.34"; page 1, line 10, strike out the words "as compensation for" and insert "for the payment of regular aid and attendance of another person on account of."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HEIRS OF JOHN EIMER

The next business on the Private Calendar was the bill (H. R. 1529) for the relief of the heirs of John Eimer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full and legal settlement against the Government, to the heirs of the late John Eimer the sum of \$10,000 for death of said John Eimer, caused by being struck by a Government-owned automobile which was driven by a Government employee.

With the following committee amendment:

Page 1, line 7, strike out "\$10,000" and insert in lieu thereof "\$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FREDERICK N. CARR

The next business on the Private Calendar was the bill (S. 43) for the relief of Frederick N. Carr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frederick N. Carr, who was a second lieutenant in Company L, First Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said company and regiment on the 4th day of February, 1899: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DANIEL F. ROBERTS

The next business on the Private Calendar was the bill (S. 46) for the relief of Daniel F. Roberts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Daniel F. Roberts, who was a private in Company D, Second Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 10th day of April, 1899: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS JOHNSON

The next business on the Private Calendar was the bill (S. 138) for the relief of Thomas Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Thomas Johnson shall be held and considered to have been honorably discharged as a private, Battery C, Third Artillery, United States Army, on September 13, 1900, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PETER S. KELLY

The next business on the Private Calendar was the bill (S. 1771) for the relief of Peter S. Kelly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, who is the introducer of this bill?

Mr. JAMES. It is a Senate bill.

Mr. LAGUARDIA. I object, Mr. Speaker, inasmuch as nobody seems to know anything about the bill.

FRANKLIN B. MORSE

The next business on the Private Calendar was the bill (H. R. 3170) for the relief of Franklin B. Morse.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws or any other laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Franklin B. Morse shall be held and considered to have been honorably discharged as a private, Troop A, New York Volunteer Cavalry, United States Army, on November 28, 1898, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 6, strike out the initial "P" and insert in lieu thereof the initial "B"; and on page 1, line 9, strike out the language "but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act" and insert "*Provided*, That no bounty nor back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALBERT CAMPBELL

The next business on the Private Calendar was the bill (H. R. 4687) to correct the military record of Albert Campbell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROWBOTTOM. Reserving the right to object, I want to ask the gentleman from New York what evidence there is in the hearings or in the report to show that this man went home on a pass?

Mr. SWEET. This man served in some of the most important battles of the Civil War—Chancellorsville, Fredericks-

burg, and Gettysburg. At Gettysburg he was taken prisoner and was permitted to go home on a pass; he reported to the provost marshal at Oswego and was permitted to go home and remain at home until called for. He never had been called for, and the record shows that he was not present with his company when it was discharged.

Mr. ROWBOTTOM. I shall not object.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws Albert Campbell shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company B, One hundred and fifty-seventh Regiment New York State Volunteers: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 7, after the word "Volunteers," insert "on the 11th day of October, 1863."

Line 8, strike out the entire line and insert in lieu thereof, "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Albert Campbell."

A motion to reconsider was laid on the table.

WILFORD W. CALDWELL

The next business on the Private Calendar was the bill (H. R. 10038) for the relief of Wilford W. Caldwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. Reserving the right to object, what is the value of the land that would justify a man purchasing it for \$1.25 an acre?

Mr. COLTON. I will say that all the land in that reservation was sold to homesteaders at \$1.25 an acre.

Mr. HUDSON. In what year?

Mr. COLTON. Any year since 1915. It was sold to the homesteaders as they applied under the homestead law.

Mr. HUDSON. Very well.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Wilford W. Caldwell for the southeast quarter of the southeast quarter of section 35 and the southwest quarter of the southwest quarter of section 36 in township 1 south of range 1 east, Uintah meridian, Utah, upon compliance by said Wilford W. Caldwell with the homestead laws of the United States: *Provided, however*, That in addition to the usual fees and commissions payable under existing laws said entryman shall pay the sum of \$1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAURICE P. DUNLAP

The next business on the Private Calendar was the bill (H. R. 9411) for the relief of Maurice P. Dunlap.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. Mr. Speaker, in view of the letter from the Secretary of State, I object.

Mr. LINTHICUM. Will not the gentleman withhold his objection?

Mr. WARREN. I will.

Mr. LINTHICUM. The Secretary of State does not oppose the payment of this sum, but he could not recommend it as a precedent. This man, Elias Chatzkelowitz, was over in Russia, and the money was given by his brother, T. Silverman, and was deposited with the Department of State by my former colleague Hon. Charles P. Coady on October 3, 1919, to be sent to this man. There was no American consul there in the Baltic Provinces at the time. It was sent by Mr. Dunlap through Mr. John A. Gade, the newly appointed commissioner to Riga. The man Chatzkelowitz was in such dire distress that Mr. Dunlap, hearing he had not received it, gave another \$300 to Lieutenant Hardy, of the relief administration, and asked him to cancel the other. But the man got both sums, and was so hard pressed that he could not pay any of it back, and he has not been heard from since.



Mr. WARREN. The fact is that the man got both the amounts.

Mr. LINTHICUM. Yes; but you should not blame the consul for that. The consul is a man who does not get much of a salary and he should not be made the loser, for he was trying to relieve distress. Those were parlous times in Russia, and chances had to be taken to provide relief.

Mr. WARREN. The gentleman is asking the House to pass this bill as a gratuity?

Mr. LINTHICUM. I am trying to get this debt paid to the American consul. He was simply trying to relieve distress, and in doing that the man got the two amounts of money. I hope the gentleman will not object to it.

Mr. WARREN. I am not going to object to it on account of the next case, which I will not object to.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the sum of \$300 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment in full to Maurice P. Dunlap, American consul, to reimburse him for losses sustained in aiding relatives of an American citizen residing in Russia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAX D. KIRJASSOFF

The next business on the Private Calendar was the House joint resolution (H. J. Res. 147) for the relief of the estate of the late Max D. Kirjassoff.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.,* That the estate of Max D. Kirjassoff, late consul in charge of the American consulate general at Yokohama, Japan, is hereby relieved from accounting for the balance of cash in his hands as such consul on June 30, 1923, and for collections, advances of funds, and disbursements as such consul for the period July 1, 1923, to September 1, 1923, inclusive, by reason of the destruction by earthquake and fire on September 1, 1923, of the cash on hand and all vouchers covering expenditures from cash on hand, cash collected, or funds advanced, during the period named.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

WILLIAM ESTES

The next business on the Private Calendar was the bill (H. R. 11094) to correct the military record of William Estes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, it appears that this man served a certain length of time and then wanted to go home. He hired a substitute, and the records of both the substitute and he are somewhat unsound. It seems to me, even on the very best theory, that one who hires a substitute should not come in and get a special act of Congress to correct his military record. Therefore I object.

NEAR EAST RELIEF (INC.)

The next business on the Private Calendar was the bill (S. 1287) for the relief of the Near East Relief (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX rose.

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. FISH. Mr. Speaker, will the gentleman reserve his objection?

Mr. HOWARD of Nebraska. I reserve the objection.

Mr. FISH. Mr. Speaker, this bill has been pending for several sessions of Congress. It has come over regularly from the Senate, but has been killed in the House. It involves a large sum of money—\$632,000.

Mr. UNDERHILL. If the gentleman will permit, it involves no amount of money at all.

Mr. FISH. It involves that amount of money indirectly. I hope the gentleman will give me an opportunity to attempt to explain the bill to his satisfaction.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. BOX. The gentleman from Texas understands that this bill has been before the Claims Committee for some time. He

does not intend to object under the circumstances, but he is going to make some statements concerning the facts in the case which he thinks the House ought to have. He is not going to object.

Mr. FISH. I was simply going to appeal to the kind-heartedness of the gentleman. I know that he knows more about this bill than any Member of the House.

Mr. HOWARD of Nebraska. I do not know that that is true.

Mr. FISH. I have read the gentleman's report, and I thought I could appeal to his kind heart. If the gentleman from Texas is not going to object, I am not going to take up the further time of the House.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. BULWINKLE. I do not know quite as much about this bill as does the gentleman from Texas [Mr. Box], but I am pretty good second.

Mr. FISH. I agree to that, and I submit that I am a good third.

Mr. BULWINKLE. If the gentleman will yield, this bill came up in the Sixty-eighth Congress. At that time, after it was reported from the Committee on Claims, I objected to it on the floor of the House. I did that for this reason: That the bill involved the collection of \$662,000 by the Government from the Near East Relief for supplies furnished. And at the same time the Near East Relief (Inc.) had a claim for \$334,000 against the Government on account of freight. I objected to it at that time for this reason: When the bill came before the committee this year I moved an amendment by which all claims of the Near East Relief held against the Government would be canceled. I trust that the gentleman from Nebraska [Mr. Howard] will not object to it, because as far as the Government is concerned it can not collect this claim. It is now nothing more than a cancellation of what is on the books.

Mr. FISH. Let me say to the gentleman that if the Government attempts to collect it and should find some way of collecting it, it would mean that 15,000 orphans now supported by the Near East Relief would be thrown out of these orphanages and left without any relief whatever; that is, if the Government should take legal proceedings to collect the money. I do not want to make a speech. I would much rather appeal again to the great heart of the gentleman from Nebraska [Mr. Howard] without making it. If the gentleman needs any persuasion, I am sure a number of us would be glad to speak at length upon the subject.

Mr. HOWARD of Nebraska. Mr. Speaker, I think the gentleman from New York [Mr. Fish] and some of the others need a little bit of persuasion, and I am going to give some of it. I know that it does not place a white man in a happy attitude to be apparently objecting to an act of justice in behalf of an alleged charitable organization. However, Mr. Speaker, I made some little study of this alleged charitable organization. Many times when it came into my own country in the personality of its traveling officials they lived at my own home hotel, which is said to be the model modern small-town hotel of the world. My wife and I live there, and we became acquainted with these peripatetic travelers in the interest of this institution. Being chairman of a whole flock of Red Cross committees my wife naturally went out to help them make a drive for funds. I recall one day particularly when that wonderful wife of mine lost every bit of the admiration she had for this alleged charitable outfit. She had walked for two weeks about the city helping those folks make their drive among our home people to gather funds for this great charity.

Several women and two or three gentlemen had been eating thick beefsteaks at our hotel, while my wife and I were eating thin ones. We paid for ourselves, and these charity people paid for theirs with relief money contributed by my townspeople. The time came for those folks to go to the train. The station was but a block and a half away. My wife said to one of the ladies, "I will walk down to the depot with you." The lady replied, "No; we will call a cab; we can not walk." Then my wife said, "I have walked about 406 blocks here in town in the last two weeks urging my people to provide funds for the Near East drive, and now we discover that you people representing that institution want to take this money, the charity money that I helped to raise, and throw it away."

Mr. Speaker, I object.

Mr. FISH. Mr. Speaker, will the gentleman withhold his objection, so that I can say a word on this matter?

Mr. HOWARD of Nebraska. I will withhold as a matter of courtesy to the gentleman from the city.

Mr. EDWARDS. Mr. Speaker, is the gentleman from Nebraska going to finally object?

Mr. HOWARD of Nebraska. I announced that as a matter of courtesy to my colleague from the city I would reserve my objection.

Mr. FISH. Mr. Speaker, none of my constituents are interested in this bill. But in answer to the statement of the gentleman from Nebraska, I sympathize with him in his viewpoint. There were lots of people collecting money in this country and some of them spend it in an extravagant way. But that issue is not involved in this bill.

I want to submit to the Members of the House the fact that the Americans who went out to the Near East were heroes; not heroes that went out and followed the band and the flag, but men who sacrificed their health and their lives at \$50 a month. Many died from typhus and other dread diseases in the act of helping thousands of starving and helpless Christian refugees fleeing from Turkish brutality and massacre.

Mr. BOX. Does the gentleman think that the Army officers and other officers having charge of this property who had no authority to turn it over to the Near East Relief were heroes therein?

Mr. FISH. No. I agree with the gentleman. But the plan I wish to make to you is that the men who saved the Christian Armenians and Greeks did so at the sacrifice of their lives, and it is one of the most glorious records of humanitarian work that Americans have ever achieved, irrespective and regardless of the contemptible action of the people who raised the money and spent it in the way depicted by the gentleman from Nebraska. We all deplore that, but it should not divert us from the merits of the bill.

Mr. BULWINKLE. Simply laying aside everything else, it is merely a matter of correcting the books down in the War Department at the present time. That is all there is to it.

Mr. BOX. And saving time?

Mr. BULWINKLE. That is all there is to it.

Mr. HOWARD of Nebraska. Mr. Speaker, the gentleman from New York has referred to the large and wonderful heart of the gentleman from Nebraska, and now the gentleman from Nebraska is going to put the crucial test: If the gentleman from New York, standing here upon his feet and in his own words to me will tell me that the passage of this bill will carry one dollar of relief to any of the widows or children of those magnificent fellows who went over there in the early days and sacrificed their lives, then there will be no objection from me. But unless the gentleman does that my objection will stand.

Mr. FISH. It does carry a lot of relief and satisfaction to the widows and children of those men who paid the supreme sacrifice and to the 15,000 orphans who are now being cared for by the Near East Relief to know that the sacrifice has not been in vain; and I can not think of any better kind of memorial to those heroic men or to their families than to provide for the completion of the work for which they gave up their lives.

Mr. BULWINKLE. If this had not been done at that time there is no question but that the Congress then in session would have authorized the taking of this property at that time for the relief of the Armenians.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HOWARD of Nebraska. There is, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

JAMES A. DE LOACH

The next business on the Private Calendar was the bill (H. R. 9902) for the relief of James A. De Loach.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, will the gentleman explain to the committee why this young man picked up a dud when he had orders and instructions not to do so?

Mr. McDUFFIE. That is one of those unfortunate things that are sometimes hard to explain. The evidence, however, does not show conclusively, and beyond peradventure, that he had direct, positive, and personal notice that such an order was issued. But I will say to the gentleman that this bill is in line with the policy adopted by the Committee on Claims. The chairman of the committee, the gentleman from Massachusetts [Mr. UNDERHILL], made a very extended and splendid statement several days ago as to the policy of his committee in the treatment of cases of this character. It seems that the trainees in the naval schools get relief, in cases of this kind, but no provision has been made for those injured while in training at the citizens' military training camps. I will ask the gentleman

from Massachusetts to state to my good friend, Mr. ROWBOTTOM, the gentleman who propounded the question, and for the benefit of the entire membership here, the policy of his committee in dealing with cases of this kind.

Surely, if the Congress appropriates money from the public Treasury to provide hostesses for these young men during their training, in order that they may not be homesick and may meet the nicest girls, and perhaps be taught how to dance the Charleston, we should not hesitate to provide relief for a personal injury suffered by picking up an unexploded shell, a very dangerous thing, left on the training field. I can not quite reconcile the position assumed by the War Department on this bill, with their request for money to hire hostesses for the training camps. I will be grateful to my friend, Mr. UNDERHILL, the chairman of the committee, if he will again kindly explain the policy of his committee in dealing with cases of this kind.

Mr. UNDERHILL. Mr. Speaker, when the House last considered the Private Calendar I personally called attention to the fact that we had established a new policy on the part of the committee. I asked for the indorsement of the House and at that time not a voice was raised in objection to it. It is the policy of taking care of the boys in the military training camps no matter from what source an injury may arise, no matter how careless, and no matter how reckless the boys may be. All of the safeguards which the War Department can possibly throw around these boys in the camps are not sufficient to entirely prevent accidents. We took the position that while they were in the military training camps they were under the tutelage and guardianship of Uncle Sam; that he had taken full authority over them, and consequently he should hold himself liable for them and hold them safe against accidents, and that in case of an accident he should reimburse them so far as he could for the injury.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. I can understand the gentleman's policy and I believe there is a great deal of sympathy for it, but does not the gentleman overstate the policy of the committee a little bit when he says the Government should be responsible no matter how reckless or how careless these boys may be? I think what the gentleman means are accidents which happen in the ordinary course of life at the camps, even if the injury is the result of lack of knowledge or prudence.

Mr. UNDERHILL. I feel this way about it; I hardly care to modify my language. You have a Federal Compensation Board, which covers every employee of the United States in every line of endeavor, and no matter how careless or reckless an employee may be in working around dangerous machinery if an injury occurs there is no defense on the part of the Government for negligence on his part. The only things which exempt him from the provisions of that act are drunkenness and the use of drugs. We have applied that principle as laid down with reference to the civilian employees of the Government to those who are voluntarily giving their services to the Government as trainees for future reserves of the Army and in making them better citizens in the community.

Mr. BOX. The gentleman from Texas sympathizes with the policy adopted by the committee, but he does not understand it to be quite as the chairman stated it. The chairman will remember that the gentleman from Texas reserved freedom as to particular cases when the facts showed that the injury was the result of the fault of a soldier. However, I think this case is meritorious, and I believe is in line with the policy adopted by the committee. I hope there will be no objection, because we have allowed two or three cases of a similar nature. We take these lads who are of immature age and turn them loose under Government supervision, and we ought to look after them as best we can. Unless we have a pretty liberal rule, there will not be an equality in the administration of this matter of policy.

Mr. BULWINKLE. We even provide hostesses for them.

Mr. BOX. This boy did not have a hostess.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any money in the Treasury not otherwise appropriated, the sum of \$5,000 to James A. DeLoach for injuries received by him while attending a citizens' military training camp at Camp McClellan, Ala.



With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government"; in line 6, strike out the sign and figures "\$5,000" and insert the sign and figures "\$2,500."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### THE "S-4" DISASTER

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the S-4 disaster.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRIFFIN. Mr. Speaker, my esteemed colleague [Mr. OLIVER of Alabama] printed in the CONGRESSIONAL RECORD of Saturday, March 24, a letter from Admiral Charles F. Hughes, Chief of Naval Operations, in which was set forth the achievements of the Navy, with particular emphasis on inventions of Navy origin.

I am glad that this record of Navy ingenuity was put in the RECORD. It is only fair that against the array of shortcomings the more refreshing and encouraging picture of accomplishment should be presented. However, in presenting it, my esteemed colleague made the criticism that my speech of March 23 evinced a "lack of information as to the accomplishments of the American Navy and its efficient officer personnel." Thus the picture seems to have been painted for my benefit.

However, it is not apparent that my failure to praise could possibly justify the inference that I was ill-informed as to the good things done by the Navy. My task was the rather unpleasant one of pointing out certain shortcomings in the hope of bringing our Navy up to date. I respect its personnel and admire, as every American must, its splendid accomplishments. It was not my rôle to throw bouquets, as with my knowledge of its wonderful history I could very well have done.

#### ONLY ONE ISSUE

There is only one issue before the public at this time, and that is whether or not the American Navy has shown proper concern for the welfare of our sailors and has exercised proper diligence in adopting devices for the rescue of the crews of submarines and adequate facilities for the prompt salvage of vessels.

I have made a long and intensive study of the subject and have come to the deliberate conclusion that certain bureaucrats, who have held sway in our Navy for many years, have obstinately refused to give thought to the subject of safety devices for the submarine service and have thus sacrificed needlessly the lives of our men and blocked the wheels of progress in submarine development.

This was the thesis of my speech. Within its limitations, therefore, it should be apparent to anyone with an open mind that I was under no obligations to laud the Navy or apologize for its shortcomings. I will leave that rôle to others. There are good and bad in all things. A reference to the things bad implies neither ignorance of nor denial of the things good.

My solicitude was, and still is, to arouse the Navy bureaucrats from their blissful repose in their swivel chairs, around which the spiders have woven an impenetrable web, and spur them on to action. My attitude is somewhat like that of the patriarch in the old Greek play:

Though wise enough, yet one word more;  
Let my advice add to thy wisdom's store.

The death of 40 brave American lads drowned like rats in a hole is too serious a matter to be flippantly dealt with, nor should this dreadful disaster be camouflaged by idle laudation of those at whom the shafts of criticism have never been aimed. Rushing in to the defense of those not attacked can not help those who are deserving of reprobation. Such misguided solicitude may seem like chivalry, but it is not. It is simply the old game of the barrister, who, in defending the accused, soft-pedals the charge and praises the prisoner's family. The true chivalry consists in a just resentment against the wicked obstinacy which persists in subjecting our brave men to perils that are absolutely needless.

During the course of my speech I said there is not a single invention that has originated in the head of a bureaucrat. I stick to that, notwithstanding the formidable array of Navy inventions cited. The men mentioned as inventors were far from being bureaucrats. If they had been, no original idea would ever have disturbed their calm serenity. I venture the thought that those exceptional men had their own trouble in getting the bureaucrats to recognize them; although, being in the Navy,

they might fare better than an outsider. My references were to the treatment of outsiders only and that record can not be minimized or effaced.

#### SINKING OF THE "S-51"

Congress itself is not without its responsibility in such matters. The sinking of the S-51 on September 25, 1925, was fully as pathetic as that of the S-4 a few months ago, and indicated just as strongly the need of safety devices and salvage facilities. Shortly after the S-51 catastrophe I introduced a resolution calling for an investigation of the disaster and a study of safety devices. It was buried. The incident passed out of the public mind. The newspapers tired of it. It soon ceased to be news, except for a paragraph now and then when salvage operations were discontinued or renewed. Then there was a spurt of interest awakened when, after over nine months of heartbreaking work, the unfortunate vessel was raised, with her cargo of dead.

#### FALSE RESPECT FOR AUTHORITY FEEDS LETHARGY

It is difficult—yes, impossible—for any one man to impress the need of a legislative measure upon Congress. His very insistence will frequently affront the sensibilities of his colleagues, who are likely to resent the implication that they are deficient in human sympathy.

Hesitation to impeach a great department of the Government, indisposition to assail the intelligence or skill of its head or of its technical bureaus, all combine to block action and promote the disposition to supinely yield to the deadening spirit of procrastination.

We are prone to say to ourselves, "This is a technical matter for technical men—the Navy has them—the head of the department is a good fellow—which he is—and if anything ought to be done, they are the ones to do it." Thus false respect for authority feeds lethargy and blocks progress.

#### THE "S-4" DISASTER

When the S-4 sinking happened on December 17, 1927, I almost immediately introduced another House Resolution No. 65, calling for an investigation of the disaster and a study of safety devices and salvage facilities. I made an appeal to the House on January 5 and again on January 7, and made it clear, I think, that there were in existence approved devices and safeguards that would have rescued the crew and salvaged the vessel. The Committee on Rules of the House made no move in the matter until President Coolidge sent a special message to the House urging action. A resolution (H. J. Res. 131) was accordingly introduced by my colleague from Pennsylvania [Mr. BUTLER], the highly respected chairman of the Naval Affairs Committee, on January 7. Instead of a congressional investigation, as my resolution proposed, the Butler resolution provided for a technical commission composed of both civilians and Navy men. Although it was generally believed that the presence of the Navy men on such a commission might hamper the investigation, I waived my own sentiments and heartily supported the resolution. It was passed by the House unanimously on January 7. In the Senate, however, it did not have such smooth sailing. There it was contended that an impartial investigation could not be made by a commission tied up, directly or indirectly, with men whose own negligence is suspected of responsibility for the disaster—men who have steadfastly maintained that there is no possibility of improving the safety of the submarine service. It was suspected that their attitude might possibly be summarized in a paraphrase of Dean Swift's lines:

Rather far that men should die  
Than their prediction prove a lie.

#### THE DIFFERENCES OF THE CONFEREES

The resolution was accordingly amended in the Senate so as to provide for a congressional investigation of the causes of the disaster, modifying the commission feature to guard against a biased report. It was passed on January 30. Since then the conferees have for 60 days been trying, so it is claimed, to agree.

Personally I do not think their differences are important. The American people, and the families of the martyrs to red tape, do not care what form the resolution takes, but are only concerned that some resolution shall be enacted that shall put an end to such sacrifices of American manhood.

#### THE INVESTIGATION SHOULD PROCEED

Precious days and weeks have drifted by since the conferees were appointed and the opportunities and facilities for an effective investigation are gradually fading into the distance.

The vessel has been raised, three months to a day since the catastrophe; the bodies have been removed, but the various scraps of evidence surrounding their death struggle will ob-

viously not have the evidential value which they might have had if the investigating committee or commission had been appointed and had been there on the spot to inspect the vessel as it emerged with its pathetic cargo. These valuable days can never be recovered, and their evidentiary items can never be collated and arranged again in their true relative values. All of that is dead and buried.

However, it is not too late to do the best we can. The resolution should pass and there should be no quibbling about the form. If the Senate will not yield, let the House yield. We should have no false pride in a matter of such vital interest to the families of the dead and to the men who must man the submarines in the future.

#### NEGLECT OF THE LESSONS OF THE "S-51"

For over two years following the disaster to the *S-51* the Navy authorities, upon whom the initiative rested, utterly ignored its lessons and placidly pigeonholed all suggestions for the installation of obviously feasible safeguards.

It took over nine months to salvage the *S-51*. Commander Ellsberg, who brought that undertaking to a successful conclusion under the most discouraging handicaps, made a report which included a number of practical suggestions. His report was printed but his suggestions were not. They were pigeonholed and were only resurrected through the zeal of my colleague, Mr. Celler, of New York, who printed them in the CONGRESSIONAL RECORD of January 25, 1928—page 2040.

#### COMMANDER ELLSBERG'S REPORT

A casual study of Commander Ellsberg's report shows why it was not printed; it ran counter to the theories of the swivel-chair brigade who instinctively bristle with hostility the moment a new idea is laid before them.

In forwarding the Ellsberg report to the Chief of the Bureau of Construction and Repair, at Washington, Admiral Plunkett, on October 5, 1926, said that the recommendations are—

approved as being in the light of our experience and therefore worthy of most serious consideration.

Was Admiral Plunkett a bureaucrat? Not much! He was a practical man, not atrophied by swivel-chair service.

He also, in his indorsement, made this significant reference to Commander Ellsberg's report:

1. Particular attention is invited to paragraph 21, especially the last sentence.

#### ELLSBERG'S PROPHECY

Now, what was this paragraph which Admiral Plunkett thus calls particular attention to? It was nothing less than the following weird prophecy:

21. The exact date of sinking of the next submarine can not, of course, be foretold, but, based on past performances, it can be expected within the next three years. It is desirable that when it occurs there be available such means for quick salvage that no possible criticism can be made of the Navy on the ground of unpreparedness.

These were some of Ellsberg's suggestions:

First. Lifting eyelets or eye pads to permit rapid attachment of the pontoons to the sunken submarine.

[Note: I made this suggestion to the Navy Department as long ago as 1905, shortly after the sinking of the French submarine *Farfadet*. While I never received any acknowledgment for the suggestion, I know that our submarines were so equipped up to the time of the World War. The reasons given for their abandonment never appealed to me, and I am glad to see that Commander Ellsberg agrees with me.]

Second. Enlargement of hatches to permit of ready access.

Third. Strengthening of the hatches and valves to resist the internal pressure of the air when the compartments are blown out preliminary to salvaging.

[Note: In connection with this he stated: "The locking gear on the *S-51* valves and hatches was so weak that bad leakage started at an excess internal pressure of only 2 to 4 pounds, causing extreme difficulty in sealing up."]

Fourth. Installation of the long-arm door system in the bulkheads—"in the new boats, at any rate."

[Note: The crew of the *S-51* had been unable to close any of the bulkhead doors owing to the rapid inrush of water, and Commander Ellsberg says that if it had been equipped with long-arm doors the crew in the undamaged compartments might have been saved.]

Fifth. Maintaining the pontoons in readiness at the submarine base instead of scattering them afar.

Not one of these wise suggestions was adopted.

When the *S-51* salvage was completed, Commander Ellsberg protested against the scattering of the pontoons. But he was

overruled. When the *S-4* was sunk on December 17, 1927, four of these pontoons were at New York and four at Norfolk.

Admiral Beuret told the Subcommittee on Appropriations that the pontoons from New York and those from Norfolk arrived practically at the same time—page 1000, hearings—whereas the Norfolk batch did not arrive until Wednesday, the 21st, four days after the accident, while those from New York arrived on Monday, the 19th, two days after the accident.

When asked—page 1013, hearings—why the pontoons were not in the vicinity of the scene of submarine practice, the answer was—there was no assurance that the next submarine accident would occur in the vicinity of New London.

#### IF FACILITIES WERE AT HAND THE "S-4" COULD HAVE BEEN RAISED

At the time of the collision, although it is said the controls were set for a descent, the *S-4* was near the surface. The battery room was the only compartment flooded. The other compartments remained practically free of water. The vessel, consequently, had the advantage of the buoyancy of those compartments. Therefore the gross lift required immediately after the sinking was the loss of buoyancy due to the water in the battery room, which may be estimated at about 300 tons.

If the vessel had been fitted with lifting eyes or eye pads and the pontoons had been at hand, the vessel could have been raised and the crew rescued within a few hours instead of 90 days.

#### INCONSISTENCIES OF ALLEGED EXPERTS

I want to call attention to the discussion on the floor of the House during the course of my speech on March 23 wherein I discussed the contradictions and inconsistencies in the testimony of so-called Navy experts. As a sample, I need only refer to the lame excuse given for the abandonment of the telephone-signal buoys. It appears they released the buoy and that was the last seen of it. It had slipped away, even taking the cable with it, and was never seen again. Of course, it had not been properly attached, and yet that very neglect was the excuse given for abandoning this very valuable safety and communication device.

#### TARDINESS IN INSTALLING NEW DEVICES

Franklin Roosevelt, while Secretary of the Navy, ordered the installation on all submarines of a device for ejecting a signal bomb from the submarine before it rises to the surface. It took about 10 years to install the tubes, while the cartridges for the tubes were not shipped to the home yards of all submarines until January 1, 1928—two weeks after the *S-4* disaster. This is admitted in the testimony of Admiral Beuret before the subcommittee of the Appropriations Committee of the House. (See Hearings, p. 1011.)

The *S-4* was not provided with the signal-telephone buoy or the signal bombs. It was not provided with soda lime to purify the atmosphere; although the submarine commanders of the twelfth division at New London had requisitioned it as long ago as last July.

The *S-4* still retained the single air-line salvage inlet that proved abortive in the disaster to the *S-51*, although time and time again emphasis was laid on its insufficiency.

In an article in the *World's Work* for March Commander Ellsberg has this pungent comment to make on the compartment salvage air line—page 498:

I can not recollect a case in the history of our submarine disasters where the compartment salvage air line has ever been of use. On the *S-51* it was cut in half by the stem of the *City of Rome*; on the *S-4* the survivors also reported it flooded Sunday night. The compartment salvage air line should be removed immediately from all submarines and replaced by either one or two valves attached directly to the hull in every room on the ship.

In the *World's Work* for April, Simon Lake, who built the *S-51*, says the Navy czars would not let him install this very system.

These are a few of the things which make the average man impatient with those hypersensitive idolators of bureaucracy who believe that "officialism" is always right.

When the public indignation had somewhat subsided after the tragedy these worshippers of officialism slipped furtively out of their holes and started to croak in chorus: "Such incidents are regrettable but unavoidable"; then they dwelt unctuously on the safeguards that never saved; then they praised the bureaucratic foresight that provided the crews with a fresh-air system that never worked. The only fresh thing the unfortunate men had, apparently, was fresh potatoes, carrots, and onions, which were found raw and half eaten in their clenched fists when their poor bodies were recovered.



And so the chorus of the apologists goes on:

Listen while we trill our song—  
I am right and you are wrong,  
Such accidents you can't prevent—  
So long as men to sea are sent.  
The bureaucrats who shun the sea,  
Will never risk a new idea;  
Because they know the harm that's hid  
In trying things that can't be "did"!

ABRAM H. JOHNSON

The next business on the Private Calendar was the bill (H. R. 1627) for the relief of Abram H. Johnson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Abram H. Johnson, who was a corporal of Company K, Third Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment March 18, 1864.

With the following committee amendment:

In line 9, after the figures "1864," insert a colon and the following: "Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES H. NIEHAUS

The next business on the Private Calendar was the bill (S. 380) for the relief of Charles H. Niehaus.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, may I ask the chairman of the committee if this is not a claim that could properly have been made in the Court of Claims, especially if the contention that the Government occupied the property and prevented his compliance with the original contract is true?

Mr. UNDERHILL. This hardly comes under the heading of claims of contract. The contract was eventually completed, but it was one of those cases arising out of the war which seems to have been unavoidable and in which Mr. Niehaus suffered a great loss. We have had this matter before Congress for the last three sessions. At one time it passed the House, I believe. At another time it passed the Senate, but the bill has not passed both branches during the same Congress. Mr. Niehaus is getting old and feeble, and unless Congress takes some action, relief for him personally will be of no value.

Mr. LAGUARDIA. On page 4 of the report I would like to ask the gentleman if all the items contained in that list are included in the \$33,000?

Mr. UNDERHILL. No; some of them have been stricken out.

Mr. LAGUARDIA. For instance, legal services, \$6,000?

Mr. UNDERHILL. Yes; we struck out about \$23,000.

Mr. LAGUARDIA. And the item of \$6,000 is one of the items stricken out?

Mr. UNDERHILL. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$33,121 to Charles H. Niehaus, of Grantwood, N. J., to compensate the said Niehaus for losses suffered by him in the designing and erection by the said Niehaus of the Francis Scott Key Memorial at Fort McHenry, Baltimore, Md., under his contract with the United States, dated October 19, 1916, said memorial having been completed by the said Niehaus and accepted by the United States June 14, 1922.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ZACCHEUS P. BARBER

The next business on the Private Calendar was the bill (H. R. 852) authorizing the issuance of a certain patent.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

FINCH R. ARCHER

The next business on the Private Calendar was the bill (H. R. 2658) for the relief of Finch R. Archer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Attorney General be, and he is hereby, authorized and directed to credit Finch R. Archer, as warden of the United States Penitentiary at McNeil Island, Washington, in the sum of \$1,608.54, said sum being the amount and total value of money and personal effects stolen September 26, 1922, from the office of the said penitentiary by escaping prisoners Robert J. Turner and James W. Peronto.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Comptroller General is hereby authorized and directed to make settlement, upon the approval of the Attorney General, with Finch R. Archer, warden of the United States Penitentiary at McNeil Island, Wash., in an amount not exceeding \$1,608.54, covering the total value of money and personal effects stolen September 26, 1922, from the office of the said penitentiary by escaping prisoners; payment to be made from the appropriation for the maintenance of the institution for the current fiscal year."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN M. SAVERY

The next business on the Private Calendar was the bill (H. R. 4925) for the relief of John M. Savery.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I notice there is an allowance of 16 weeks at \$45 a week, and then his decreased earnings from October 12, 1922, to April 12, 1923, at \$20 a week, although his total medical expense was only \$70. Does not the gentleman believe this claim ought to be reduced to about \$790?

Mr. UNDERHILL. Following the usual policy of the committee adopted and reported in respect of every bill, we followed the recommendations and report of the compensation board, and we have no real reason to change the recommendations of that board in any case.

Mr. LAGUARDIA. If the man was permanently injured—

Mr. UNDERHILL. He has a permanent injury.

Mr. LAGUARDIA. It is not indicated here, and under a most generous allowance he could not get more than \$790.

Mr. UNDERHILL. He could get that for a temporary injury. He has a permanent injury which incapacitates him to a certain extent for his regular trade of carpenter. He was acting as a substitute in this position of mail clerk.

Mr. LAGUARDIA. The chairman of the board, Miss Brueggeman, states that "if compensation was based on this rate of pay instead of that of \$45 per week, as stated above, the amount of compensation payable for the period involved would have been \$792.27 plus medical bill of \$70, or a total of \$868.27."

Mr. UNDERHILL. Then if the gentleman will read on he will see that if compensation was based on his earning capacity in his trade of \$45 a week, and the extent of his permanent injury is taken into account, the amount which would be allowed is the amount reported of \$1,500.

Mr. LAGUARDIA. If I read on, all I get is "very truly yours."

Mr. UNDERHILL. Then the gentleman has not the full report from Miss Brueggeman.

Mr. GIFFORD. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GIFFORD. I want to say to the gentleman from New York that I am very familiar with this case. Where there is

permanent injury there ought to have been much more than \$1,500 asked for, and whether or not the amount for the time he was laid off has been carefully figured does not seem to me to have much merit. Here is a man who has to go around for the rest of his life with an injury, and it seems to me that \$1,500 is a very small amount.

Mr. LAGUARDIA. Neither is there anything in the bill or the report to show that this is a permanent injury.

Mr. GIFFORD. I have a full knowledge of this case, and I assure the gentleman that this is a permanent injury and that he need not bother further about the report.

Mr. LAGUARDIA. Of course, I will accept the gentleman's statement and not bother further about the report. [Laughter.]

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. Savery, of Wareham, Mass., the sum of \$1,500 in full compensation for personal injuries sustained by him at the railroad station at Onset, Mass., as the result of an accident which he suffered on the 22d day of June, 1922, when he was struck by a United States mail bag negligently thrown from a train by an employee of United States Post Office Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ZACCHEUS P. BARBER

Mr. WARREN. Mr. Speaker, I ask unanimous consent to go back to the Calendar No. 326, objected to by me a few minutes ago. I have talked with the gentleman from California, and I have no further objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to return to Calendar No. 326 (H. R. 852) authorizing the issuance of a certain patent?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to issue patent to Zachaeus P. Barber for land described as homestead entry now Visalia 011955, formerly Independence 05027 for the east half of section 14, township 25 south, range 38 east, Mount Diablo meridian, containing 320 acres.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GLENS FALLS INSURANCE CO.

The next business on the Private Calendar was the bill (H. R. 9319) for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, the department puts upon the committee the burden of determining whether or not the insurance company had a right to acquire by subrogation these certificates.

Mr. UNDERHILL. That is the usual procedure in the Treasury Department in all cases of lost, stolen, or misplaced bonds. It is commonly called passing the buck. In other words, they do not assume any authority or responsibility in the matter.

Mr. LAGUARDIA. The committee is satisfied that the insurance company did have the right to subrogate, and that the Government is fully protected against litigants' loss?

Mr. UNDERHILL. Fully protected.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Glens Falls Insurance Co., of Glens Falls, N. Y., three United States certificates of indebtedness, series TJ-1922, issued June 15, 1921, and matured June 15, 1922, serially numbered 5860, 5861, and 2082, of the denomination of \$1,000 each, with interest at the rate of 5½ per cent per annum from June 15, 1921, to June 15, 1922, without presentation of the said certificates or the coupons representing interest thereon from June 15, 1921, to June 15, 1922, the certificates having been stolen in a mail robbery: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Glens Falls Insurance Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen certificates of indebtedness herein described or the coupons belonging thereto.

The SPEAKER. The Chair calls the attention of the gentleman from Massachusetts to the word "indemnity," on page 2, line 11. Should not that be "indemnify"?

Mr. UNDERHILL. It should.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOME INSURANCE CO. OF NEW YORK, N. Y.

The next business on the Private Calendar was the bill (H. R. 9320) for the relief of the Home Insurance Co. of New York, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Home Insurance Co., of New York, N. Y., United States Treasury note, series B-1924, issued September 15, 1921, and matured September 15, 1924, serial No. 17153, in the denomination of \$100, with interest at the rate of 5½ per cent per annum from September 15, 1921, to September 15, 1924, without presentation of the said note or the coupons representing interest thereon from September 15, 1921, to September 15, 1924, the note having been stolen in a mail robbery: *Provided*, That the said note shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which have been previously presented and paid: *Provided further*, That the said Home Insurance Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the note and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen Treasury note herein described or the coupons belonging thereto.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

J. B. HOLDER

The next business on the Private Calendar was the bill (H. R. 10502) for the relief of J. B. Holder.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. B. Holder, former clerk in charge of the Raulo rural station, Gastonia, N. C., the sum of \$19.75, being the amount collected from him to cover box rents paid at said station.

With the following committee amendment:

In line 5, after the word "appropriated," add "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

R. P. WASHAM, F. A. SLATE, ET AL.

The next business on the Private Calendar was the bill (H. R. 10503) for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That R. P. Washam, postmaster at Gastonia, N. C.; F. A. Slate, former postmaster at Gastonia, N. C.; W. H. Sanders, clerk in charge of the East Gastonia station; W. A. McGinnis, clerk in charge of the Smyre station; J. E. Lindsay, clerk in charge of the Victory station; and J. T. Pearson, former clerk in charge of the Pinkney station, all the stations named being rural stations of the Gastonia, N. C., post office, be, and they are hereby, relieved of the payment of any and all amounts which had accrued and were collected as box rents at said stations prior to July 1, 1927, said clerks having accepted their positions and conducted the work at the stations with the understanding that box rents were a part of the compensation for their services because of erroneous information given them by the former postmaster.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.



## FARMERS NATIONAL BANK OF DANVILLE, KY.

The next business on the Private Calendar was the bill (H. R. 7518) for the relief of the Farmers National Bank of Danville, Ky.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,110 to the Farmers National Bank of Danville, Ky., to reimburse said bank for the loss suffered by it on account of the theft, on August 1, 1921, of one \$1,000 bond numbered F-1236133 and four \$100 bonds numbered L-12121584-5-6-7, all of the Victory Liberty loan 4½ per cent convertible gold notes, taken from the bank by an assistant bank examiner while he was officially employed in such capacity in the examination of the bank, and who later paid to the bank the sum of \$290 as part restitution, which amount still stands to the credit of the bank as agent for him. The bonds were negotiable bonds, not registered, and have been presented to the Treasury Department in the regular course of business and paid.

With the following committee amendments:

Page 1, line 8, strike out the word "bond" and insert "coupon note"; line 9, strike out the word "bonds" and insert "coupon notes"; page 2, line 5, strike out the words "bonds were negotiable bonds, not registered, and" and insert the word "notes."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## C. S. WINANS

The next business on the Private Calendar was the bill (H. R. 8650) for the relief of C. S. Winans.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the General Accounting Office be, and is hereby, authorized and directed to credit the account of C. S. Winans, United States consul at Prague, Czechoslovakia, in the sum of \$10,000, due to the United States on account of consular fees, which represented funds in said amount stolen while in the course of transmission through official pouch to the Treasury of the United States.

With the following committee amendments:

Line 7, after the word "amount," insert "regularly mailed to the State Department by said Winans in November, 1920, and"; and in line 10, after the word "pouch," to strike out the words "to the Treasury of the United States."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## LYNN W. FRANKLIN

The next business on the Private Calendar was the bill (H. R. 8651) for the relief of Lynn W. Franklin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the General Accounting Office be, and is hereby, authorized and directed to credit the account of Lynn W. Franklin, American vice consul at San Salvador, in the sum of \$1,000, due to the United States on account of consular fees, which represented funds in said amount stolen while in the course of transmission through official pouch to the Treasury of the United States.

With the following committee amendments:

Line 7, after the word "amount," insert "regularly mailed to the State Department by said Franklin in February, 1921, and"; and in line 10, strike out the words "to the Treasury of the United States."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## CURTIS V. MILLIMAN

The next business on the Private Calendar was the bill (H. R. 9712) to amend the military record of Curtis V. Milliman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Curtis V. Milliman, who was a member of the Fifth Independent Battery, Indiana Volunteer Light Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of January, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Curtis V. Milliman."

A motion to reconsider the vote by which the bill was passed was laid on the table.

## ROY L. MARSTON

The next business on the Private Calendar was House joint resolution (H. J. Res. 193) for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

## VIRGIL W. ROBERTS

The next business on the Private Calendar was the bill (H. R. 4653) for the relief of Virgil W. Roberts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of all laws conferring rights, benefits, and privileges upon honorably discharged soldiers, Virgil W. Roberts shall be held and considered to have been honorably discharged from Company A, Second Regiment Georgia Volunteer Infantry, on June 23, 1898: *Provided,* That no back pay, bounty, or pension shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## CLARENCE E. BURT, RETIRED

The next business on the Private Calendar was the bill (H. R. 4935) to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. GIFFORD. Mr. Speaker, I ask the gentleman to withhold his objection long enough for something of an explanation.

Mr. WARREN. Mr. Speaker, I would be glad to withhold my objection, but I intend to object to the bill. I intended to object to the bill before this, but I got rather confused in my list.

Mr. GIFFORD. Does the gentleman mean that he shall object finally to the bill, in any event?

Mr. WARREN. Yes.

Mr. GIFFORD. It is useless to argue the matter.

The SPEAKER. Objection is heard.

## CAPT. JOHN J. CAMPBELL

The next business on the Private Calendar was the bill (H. R. 7409) to authorize the appointment of Capt. John J. Campbell, resigned, to the grade of captain, retired, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. FURLOW. Mr. Speaker, will the gentleman withhold his objection?

Mr. WARREN. Yes.

Mr. FURLOW. I think this case is different from the other two cases. This is the case of a chaplain of the United States Army who was serving from 1919 on. In 1926 he developed a tubercular condition in his right foot. He appeared before our subcommittee and we had him appear before the full committee. We went into the case very thoroughly. The man could have undoubtedly appeared before a retiring board and have received the consideration that is given by the Government. But he was apprehensive of having Army officers take care of his foot; in fact, he was advised by his associates not to allow the Army officers to take care of this condition. He then resigned from the service and spent his own money and hired his own doctor to take care of him. He now finds himself in need of these funds. He has been in the service for eight years. This bill would simply provide that he appear before a retiring board and have opportunity to prove by his condition whether or not he was in such condition in 1926, at the time he retired, to be retired by that board and receive his three-fourths pay. I think the cause is unusual because of the man himself.

If you were to see the man and hear him talk, you would know that he is a man who was fearful of the treatment he would receive. I do not think he was justified in that fear, but I think the committee realized that it was an unusual case. The War Department objected, though not very strenuously, on the theory that would be a precedent. Our committee takes the stand that this is a precedent to be established by the House itself, and if relief is given, it will be given by this Congress. I hope the gentleman's objection will be withdrawn.

Mr. WARREN. I will say to the gentleman from Minnesota that the report shows that the officer declined to submit to an examination on his resignation, and the department thinks that to enact the proposed legislation would constitute a preferential treatment of an individual of a class to the prejudice of others of that class who may be equally deserving of such treatment. For that reason I am compelled to object.

The SPEAKER. Objection is heard.

LONDON RANDOLPH MASON

Mr. MONTAGUE. Mr. Speaker, by reason of my absence on the last call of the Private Calendar, a bill, Calendar No. 290, H. R. 4605, was passed over. I ask unanimous consent that we may return to it.

Mr. UNDERHILL. Mr. Speaker, I gave notice that I would object to such a request.

Mr. MONTAGUE. Will not the gentleman withhold it?

Mr. UNDERHILL. Eventually I shall have to object, Mr. Speaker, and so we might as well save time.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

GEORGE W. SAMPSON

The next business on the Private Calendar was the bill (H. R. 3892) for the relief of George W. Sampson.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I understand that the gentleman from West Virginia has an amendment which he wishes to offer.

Mr. BACHMANN. No. The bill is correct. There was an error in the report.

Mr. ROWBOTTOM. Then I shall not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George W. Sampson, late of Company G, Fourth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of said company: *Provided,* That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With committee amendments as follows:

On line 8 insert, after the word "company," the words "July 26, 1864," and in line 9 strike out the word "pay" and insert the words "bounty, back pay."

The SPEAKER. Does the Chair understand that the gentleman from West Virginia desires to offer an amendment?

Mr. ROWBOTTOM. The report is incorrect, but the bill is correct.

Mr. BACHMANN. It is correct now.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ALFRED CHAPLEAU

The next business on the Private Calendar was the bill (H. R. 851) for the relief of Alfred Chapleau.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I notice the President has given this man the relief he asked for, and therefore I do not see why this bill should be passed. I object.

The SPEAKER. Objection is heard.

ALLEN NICHOLS

The next business on the Private Calendar was the bill (H. R. 9722) for the relief of Allen Nichols.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Allen Nichols, who was a member of Company L, Second Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 10th day of April, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

THOMAS M. RICHARDSON

The next business on the Private Calendar was the bill (H. R. 4204) for the relief of Thomas M. Richardson.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas M. Richardson, who was a member of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 1st day of May, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WALTER D. LOVELL

The next business on the Private Calendar was the bill (H. R. 5944) for the relief of Walter D. Lovell.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

Mr. WOODRUM. Mr. Speaker, will the gentleman reserve his objection for a few moments?

Mr. WARREN. Yes.

Mr. WOODRUM. Mr. Speaker, this is a bill that the War Department claims to have considered very carefully. I want to call the gentleman's attention particularly to the report from the War Department. The War Department in its objection to this bill bases its objection upon the fact that the claimant is at fault because he had not examined the work before he had undertaken to enter upon the work. The committee expressly disallowed that feature of the claim, and allowed only the damages that the War Claims Board had allowed this man. It was a war contract. The War Department submitted all matters of contract to the War Claims Board and that board allowed the claim, but when it was taken before the Court of Claims it was disallowed.

Mr. WARREN. On every phase of it.

Mr. WOODRUM. On every phase of it. I would like to give the gentleman one or two ideas of the way they treated the claim. This man was there constructing a building for the Government in the stress of war. Government engineers and inspectors were there, and they instructed him to make certain changes in partitions and to make certain additions to the building, which he went ahead and did, and then they went in and



used it, but the War Department and the Court of Claims said that because there was a regulation requiring that he should have specific authority before such work was done they would not allow it. There is no dispute about the fact that the building was put up, that the Government went into it and had the use of it. Another feature was that the Government charged liquidated damages because the building had not been completed within the contract time, when, as a matter of fact, it was not only completed within the contract time but six months before the time required for its completion. Six months before this man was to deliver the building the Government was actually in it and using the building.

It appears to the committee to be a meritorious claim, and I hope the gentleman will allow it to go through to-day. The committee gave it very careful consideration, and I have no interest in it whatever except I think it is a just and meritorious claim.

Mr. WARREN. I hope the gentleman from Virginia will permit the bill to go over.

Mr. HUDSON. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. HUDSON. The bill originally called for \$10,000?

Mr. WOODRUM. Yes.

Mr. HUDSON. Has the gentleman explained in the RECORD the reason why this amount was cut so generously from \$10,000 to \$5,000?

Mr. WOODRUM. The amount was cut down in order to meet the objection of the War Department. The War Department objected to this bill on the ground that at least a portion of the damage was occasioned because the man had not inspected the site before he began his contract. Our committee felt that was a good point and cut that out of the bill. We only allowed him such items as were clearly proven to have been put upon this work.

Mr. HUDSON. That is why I wanted the gentleman to bring out that fact, because the gentleman from North Carolina might withdraw his objection and let the bill go through to-day.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter D. Lovell, of Minneapolis, Minn., out of any money in the Treasury not otherwise appropriated the sum of \$10,000, in full settlement for extra work, for which the Government has received the benefit and for which no payment has been made, and for losses suffered by reason of action of governmental agencies, by reason of increased cost of labor and materials, and other causes brought about by the late war.

With the following committee amendment:

In line 6, strike out the sign and figures "\$10,000" and insert in lieu thereof the sign and figures "\$5,048.17."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### THE PAN AMERICAN HIGHWAY

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on Senate Joint Resolution 30.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McLEOD. Mr. Speaker, it is evident that the time is at hand and that the Congress of the United States has realized the importance of building a through highway to connect up all the countries on the continents of the Western Hemisphere, which will reach from Detroit, Mich., to the Mexican border and on to the capitals of the 17 Republics of Central and South America, in order that every foot of the way may be traveled by automobiles and autobusses. We took the first great step in bringing about the realization of my Pan American highway proposal when we passed my resolution, H. J. Res. 259, on April 4, and when the Senate passed this same House resolution this week, April 24.

#### THE McLEOD PAN AMERICAN HIGHWAY

Our highway, which is the greatest highway proposal of all time, will follow a course through Mexico, Guatemala, Nicaragua, Salvador, Costa Rica, Panama, Colombia; thence down the west coast of South America through Ecuador, Peru, Bolivia, Chile; thence east to Buenos Aires; then back up through Argentina, Uruguay, Paraguay, Brazil, and Venezuela to join itself again in Colombia—10,000 miles of continuous highway—truly the greatest highway the world has ever known. When it is completed we will be able to tour by automobile from any

point in the United States to the capitals of all the continental nations in the Western Hemisphere.

The route has already been surveyed by a famous engineer a quarter of a century ago under the direction of one of our most famous railroad magnates. That engineer has proclaimed this highway not only feasible but an early necessity. It is not premature, because there is already a demand for good roads in nearly every country that it will traverse. Railroads have been built over areas as great as this, and the cost of building railroads is greater per mile than the cost of highways.

In fact, a Pan American railroad was projected in the time of Secretary of State James G. Blaine, which was partially built and is now partially in operation. But the prevailing sentiment among the countries who were to be parties to its construction now seems to be that the demand for a highway of continental scope has superseded that for a Pan American railroad. Aside from the Pan American railroad idea, we have reached a stage of development in the Americas when a through highway connecting all countries is imminently necessary for the greater welfare of all American nations, individually and collectively.

My bill provides for a commission which would furnish the moral support, financial, technical, and diplomatic advice, where necessary, to make the Western Hemisphere highway a reality within 10 years.

This bill has received the indorsement of the recent Pan American Conference at Habana by the following resolution:

The Sixth International Conference of American States—

In consideration of the importance and usefulness of closer commercial relations between the peoples of America, and the prevailing opinion in the United States of America in favor of the construction of a great intercontinental highway:

*Resolves,* To give its full approval to the initial steps taken in building an inter-American highway, and to recommend to all the Governments members of the Pan American Union that they cooperate in every possible manner for the speedy realization of this project.

Adopted in plenary session the 15th of February, 1928.

Secretary Hoover has recommended this bill in the following words:

This bill represents a sound proposition, and the sooner it can be enacted into law the better. It is a good-will message to Central and South America.

The advantages in increased commerce that would accrue to all the countries to be traversed by this highway is obvious. As an example, however, I might mention that there are approximately 1,000,000 automobiles in Central and South America at the present time, and we are sending them more at the rate of \$40,000,000 worth a year. If we can do this in a country where there are very few roads, we need only refer to our own history to estimate what will happen when all the countries of the Western Hemisphere have good roads. It is estimated that when this highway is completed there will be approximately 15,000,000 automobiles and trucks in use in Central and South America.

This highway will serve as the means of exportation from each of those countries of the valuable raw materials and natural resources, which in each instance will undoubtedly build great national wealth, but which are now inaccessible for lack of transportation.

The great importance of the highway will be of a social and historic nature. It will be a firm bond between the countries of America to symbolize the friendly spiritual bonds which we hope will always exist. Having such a great artery of trade and travel, the probability that such friendship will endure will be greatly enhanced, for with intercommunication comes mutual understanding.

It is of historical importance because it will be a monument to our social and political institutions long after those institutions themselves shall have disappeared.

Roads have always been a favored standard for measuring ancient civilizations.

The custom of following roads has come down to us from the earliest caravan routes, some of which are still being used in Asia and Asia Minor. The roads of the ancient civilized world were mere shifting trails through mountain passes, across streams at shallow places, through the forests, and along watercourses, wherever men found the line of least resistance.

Savage man did not build roads. He merely followed those that nature provided. But great cities and dense populations can not exist without roads. We know that wherever the ancients had large cities they also had roads, which they built with great skill and care. We know that the wonderful walls and hanging gardens of Babylon were made possible through the

existence of paved roads, over which men hauled the massive building stones and materials.

Herodotus tells of road building in Egypt, relating that a "great king" built a magnificent road in order to transport the material for "the Great Pyramid," using 100,000 men and requiring 10 years. Fragments of this pavement may still be seen near the Great Pyramid, and from this road our modern engineers have learned much of the road-building methods of early times. For instance, we have learned that they built their roads 10 feet thick in some places. One historian speaks of a road between Babylon and Nineveh paved with bricks laid in mortar of asphaltum. So we are assured that road-building was a highly developed art even as early as 2000 B. C.

Persians, Assyrians, Carthaginians, Chinese, and Peruvians were all great road builders, according to the historians who have studied those civilizations.

Then came the Romans with their military efficiency. One of the most important elements in the Roman strategy was permanent good roads, over which troops could be moved with great rapidity.

The Appian Way, forerunner of this Roman system, undoubtedly has the distinction of being the most famous road in history up to the present time. It was started by Claudius Appian in 312 B. C., and traversed a distance of 142 miles. It was later extended to 360 miles and was probably completed by Julius Caesar.

The second important road built by the Romans was the Flaminian Way, which was started in 220 B. C.

From this time on the Roman Empire expanded rapidly in size and strength and Roman road-building activities kept up a correspondingly fast pace. France, Spain, and Britain were covered with a network of military roads and were connected with each other and with the Italian Peninsula in most effective fashion. Authorities on the subject estimate that the Roman road system approximated 50,000 miles. The quality of these roads is attested by the fact that many of them, including the Appian Way, are in use to-day.

With the decline of the Roman Empire, road building stopped, and there was not even sufficient interest or energy in any country to maintain those already built. It was not until the seventeenth century that the reaction to this decadence became evident. The Kings of England and France began to rebuild and repair the old Roman roads. By the middle of the eighteenth century France had developed a country-wide policy of road maintenance and her system became the model for the restoration of roads in other parts of Europe. Some new roads were built, but for the most part European roads to-day are merely the embellishment of the old Roman system.

It is somewhat astonishing to think that practically 16 centuries of the Christian era have elapsed during which no road-building feats comparable to that of the engineering, political, and military genius of Rome have been seen upon the face of the earth. It is well to remember that in building these roads the Roman generals conquered the Alps, the forests, and the large rivers of Europe. They built the equivalent of several transcontinental highways, as we know them.

And now the United States of America comes into the historical picture. Just as we now measure the power of the Roman Empire by her military roads, so the people of the world 1,000 or 5,000 years hence will judge our civilization by the roads we leave.

George Washington, in his trips to the frontier, not only surveyed the courses later to be followed by roads but he actually cut his way through the forested hills and mountains to western Virginia and Pennsylvania.

In 1806 Congress authorized the construction of a free public highway at Government expense to extend from the headwaters of the Potomac to the Ohio frontier. This became the National Old Trails Road when it was completed from Cumberland to Wheeling in 1818. It constituted the first notable public development of roads in this country, nearly all other being the toll roads of the chartered turnpike companies. The National Old Trails Road was extended to Indianapolis in 1848 and then abandoned, due to the influence of railroads which were springing up through the East and Middle West. It was generally thought that railroads would supersede wagon roads except for very short local traffic.

In the late eighteen hundreds the advent of the bicycle revived interest in roads. The State aid act in New Jersey in 1891 marked the first centralized control of highways by the States. It was followed the next year by Massachusetts.

Then came the automobile from Detroit, and like magic America found herself embarked upon a period of road building which for the first time in the Christian era rivaled the Roman road builders of 1,900 years ago. The famous old roads, such

as the National Old Trails, Lincoln, Dixie, Lee, Burlington, and Pikes Peak highways have become national transcontinental boulevards.

I believe we are ready to take the step in road building which will give us supremacy for all time, namely, the Pan American highway. Just as we opened up counties, then States, and then the continental territories of North America by means of roads and paved highways, so we are now on the verge of opening up the unrevealed splendor of the Western Hemisphere by an artery of trade and travel that will extend into every country of the three Americas.

Interest in good roads in Latin America has been manifested in many ways. Witness the Pan American Highway Conference which was held in the United States three years ago and again in Buenos Aires a year ago, to which every Pan American country sent prominent delegates. Witness the exceptional interest of the Pan American newspaper men in our highways during their tour of the United States three years ago. Guatemala has a good system of roads at the present time, which make it easy to cross that country from north to south. Incidentally, Guatemala is a country of 48,000 square miles and a population of 2,200,000, making a population per square mile of about 45, while the other Pan American countries, still almost entirely without roads, are fairly uniformly populated at 6 to 14 to the square mile.

A Federal highway program was inaugurated in Mexico in September, 1925, with funds provided by tobacco taxes and a gasoline tax, which in a few years will complete a highway from Laredo, Tex., to the Guatemala border.

You will note that the course to be taken by the Pan American highway takes it directly across all present avenues of commerce, and will make what may be termed an "inner belt line" for South America.

It is estimated that such a highway would open up an immediate market for 15,000,000 automobiles and trucks, owing to the following facts:

First. The highway will open to rapid transportation, local and for export, commercial products from over 200,000 farms and plantations now served with only cow trails.

Second. It will open vacant lands to millions of agriculturists, who will produce coffee, cocoa, fruits, grains, stock, and other commercial products.

Third. It will open up thousands of small rubber plantations and solve the problem of reaching the wild-rubber forests along the Amazon River and its tributaries, where hundreds of millions of matured wild *Hevea brasiliensis* rubber trees in full bearing now exist, only partly worked, thus opening up to our markets this source of rubber supply, reputed to be the greatest in the world.

Fourth. It will furnish transportation to 2,000 miles of country, watered by tributaries of the Amazon, and containing ancient channels of partly proven placer gold fields, deposits of precious stones, quartz ledges of amazing commercial values, all at present inaccessible.

Fifth. The vast mileage of commercial timbers along the route are all marketable. Competent timber cruisers report that approximately 5,000,000,000 long-life railroad cross-ties in standing timbers within the forests of one of the countries the highway will cross can be transported on a section of the highway to a port where it can be shipped to market. Commercial timbers for furniture, cabinet work, and interior house finishing are unequaled in the world in billions of board-feet measure, variety colors, fine grain, and finishing qualities.

Sixth. The highway will create a demand for equipments, mills, supplies, and so forth, where no demand exists to-day. In fact, trade experts estimate that the return to the United States in increased trade with either Brazil or Argentina alone, due directly to such a highway, would repay us many times over for the money and energy we would need to expend in accomplishing the whole project. While a considerable element in all South and Central America know the value of the highway and want such a connecting link as this, yet they lack the experience, the organization, and the punch to put it across. That is what we would supply.

Men of vision will make vast fortunes in South America, just as they did in the early years of our own country. This group of men will inevitably exert a vast influence upon the affairs of the world. It behooves us to keep this in mind.

Just another example of the quick material return that will be the direct results of this highway: Cement has long been one of the chief exports from the United States to most of the South American countries. Imagine the quantity of cement that will be required, first to build just this 10,000-mile highway, and then the many thousands of miles of road which will be sure to follow this pioneering example. The Pan American high-



way will act as leaven to the bread of Latin-American highway progress. It will serve as the backbone for many thousands of miles of side roads.

One thing we must remember is that if we do not lend a helping hand in the inevitable development of Latin-America, the efficient and aggressive merchants of Europe will quickly and effectively take our southern neighbors to themselves.

This highway will also be a stimulant to the use of airplanes. It is purposely being planned to serve as a continuous emergency landing, and will serve also as a guide to flyers over the now trackless jungle areas. We recently had occasion to observe the forbidding character of the country in the attempted flight of Paul Redfern, in a Detroit plane, from Brunswick, Ga., to Rio de Janeiro. Particular attention will be given to those features which will facilitate the use of aircraft, even to the point of establishing well-equipped landing fields at short intervals along the highway. This is to be a highway for the two most modern means of communication, the aircraft and the automobile.

We must not lose sight of the cultural development of American peoples that will be brought about by the resulting increase in trade, travel, and communication. The closer bonds of friendship and understanding will undoubtedly have a profound influence toward the future peace and security of the world. Two hundred and fifty million people in the Western Hemisphere in sympathetic accord, all under republican governments, and having valuable trade relations, will be an effective counterbalance to the antiquated political balance of Europe.

This highway will commemorate a different kind of civilization from any heretofore important in the affairs of mankind. It will stand, not for the engineering achievement of a military emperor but for the more advanced genius of mutual cooperation between friendly republics.

In other words, this highway is a challenge to the principle of cooperation rather than conquest, to the ability of self-governed peoples to concentrate on a great engineering feat of purely peace-time value. For the first time in the Christian era we have an opportunity to surpass the road-building feats of the Romans, and I am confident that the United States and the 17 friendly republics to our south are capable of meeting the challenge in true American fashion.

#### REREFERENCE OF A BILL

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent that H. R. 12136, a bill referred to the Committee on the Territories, be rereferred to the Committee on Military Affairs. It has to do with a National Guard company in the Hawaiian Islands.

The SPEAKER. The gentleman from Hawaii asks unanimous consent that House bill 12136 be rereferred from the Committee on the Territories to the Committee on Military Affairs. Is there objection?

There was no objection.

#### ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 5774, introduced by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BACON. Mr. Speaker, I have introduced H. R. 5774, which provides for an additional judge on the Federal bench in the eastern district of New York.

As showing the imperative need for the appointment of an additional Federal judge in the eastern district of New York, and indeed there is, I believe, a real need for two, there is attached a detailed set of tables showing the history of the business of the court for the district of New York, prepared by the clerk of that court, together with a statement by him in support of the tables and detailing the work that the present three judges have to shoulder.

To give an index of the number of cases before this court from 1906 to 1927 attention is invited to the following tables:

	1906	1911	1921	1927
Admiralty.....	185	224	863	1,164
Law and equity.....	126	121	321	932
Bankruptcy.....	256	490	583	1,031
Criminal.....	74	129	1,328	2,349
Civil, United States.....	14	45	176	903
Total.....	655	1,009	3,271	6,379

Viewed in the form of percentages, these figures indicate a startling increase in the business of this court. From 1906 to 1921 the increase was 650 per cent; for the period from 1911

to 1921 the activities of the court more than trebled, and notwithstanding the appointment of an additional judge in 1923, the business from 1921 to 1927 has doubled.

A comparison of the business of the eastern district court, with its present three judges, with that of the Southern District Court of New York, with its present six judges, is persuasive as showing the tremendous amount of work shouldered by each of the three judges in the eastern district at this time.

That the judges in the eastern district are doing far more than their share, and are obliged to carry a much heavier burden than their brother judges in the adjoining southern district, can be readily seen from the table given below, covering the year 1927, and showing the number of all cases before both courts divided among the individual judges in the respective courts:

Division of total cases before court by number of judges	
IN THE EASTERN DISTRICT	
	Per judge
Admiralty cases.....	386
Law and equity.....	310
Bankruptcy.....	343
Criminal.....	783
Trials.....	40
Civil.....	301
IN THE SOUTHERN DISTRICT	
Admiralty cases.....	152
Law and equity.....	221
Bankruptcy.....	280
Criminal.....	343
Trials.....	26
Civil.....	330

It will be seen by the above table that in only one instance, that covering civil cases, is the division of the proceedings among the several judges on a par with that obtaining in the eastern district. In all other proceedings the judges of the eastern district, on a division of the total number of cases begun in that court, had to assume from over 50 to over 100 per cent more work than was required of the individual judges in the southern district. And in this connection it must be borne in mind that three additional judges are being asked for the southern district, while only one additional judge is being asked for the eastern district. The comparison of the work indicates strongly that at least two judges, in addition to the present three, are needed in the eastern district.

To take care of the steadily mounting business before their court the judges in the eastern district have shown a spirit of self-sacrifice and a devotion to duty that is inspiring. They are laboring under a terrific strain, which should not be required of them. The work of the court engages their attention from early morning until late in the evening, and from the information available it is known that it is the common rule for them to come back to their chambers at night or to bring work to their homes. This is at best an unfortunate condition which should not be tolerated.

The judges themselves in this district strongly feel the need for help. This is the comment by one of them:

Not only do we need one, but two more judges.

We have five calendars—(1) ex parte and motions, (2) criminal, (3) common law (civil jury), (4) equity, (5) admiralty—and as we are required to hold an ex parte and motion and a criminal term each month, we can give only one term each three months to common law, equity, and admiralty.

Another comments as follows:

There is no question but that an additional judge is needed in this district. We are constantly compelled to ask for the services of judges from certain other districts to help us out, and there is no reason to think that the work in the eastern district is so much less than that in the southern district as to require nine judges in the latter district and only three in this district. On the contrary, I imagine that the work actually done in this district approximates fairly well the work of the southern district, although there is, of course, no such clamor made about our work.

The eastern judicial district, in terms of population, is to-day no doubt larger than the southern judicial district. And the percentage of growth in the former far outstrips that in the latter. The 1925 State census shows that in five years:

Richmond County increased 18 per cent.

Kings County increased 9 per cent.

Queens County increased 52 per cent.

Nassau County increased 64.5 per cent.

Suffolk County increased 30 per cent.

The above counties comprise the eastern judicial district.

The total population of this district, according to the State census of 1925, and which must in 1928 be viewed as very conservative, is as follows:

Richmond County	138, 277
Kings County	2, 203, 235
Queens County	714, 647
Nassau County	207, 640
Suffolk County	143, 208
Total	3, 407, 007

For example, a comparison with the southern district of New York is pertinent. There are at present six Federal judges in the southern district of New York, and in the bill pending before Congress three additional judges are provided for, making a total of nine. The total population of the southern district of New York is 3,730,808, or a population of 621,801 for each judge, as compared to a population of 1,135,669 for each judge in the eastern district of New York. While the 1925 State census shows practically equal population for both judicial districts, the percentage of growth in the eastern district would indicate that in population the eastern district is to-day larger than the southern district.

The volume of business in the southern district is, of course, large, but it must be borne in mind that Brooklyn alone, of the eastern district, to-day ranks fourth in industrial production. To-day Brooklyn exceeds Philadelphia and Manhattan alike and is to-day the second largest city in the United States. Long Island itself, excluding Richmond County, which is also part of the eastern district, ranks with four of the great States of the Union, although its area is, of course, much smaller. Thirty per cent of the population of the entire State of New York is centered in Long Island, and the arrow of growth is ever pointing forward.

As indicating the importance of this eastern judicial district, the following figures will be of interest, especially when the county of Richmond, also a part of the eastern district, is not included in them:

	Population	Area, square miles
New Jersey	3, 680, 482	8, 224
Missouri	3, 498, 143	69, 420
Long Island	3, 268, 730	1, 376
Georgia	3, 138, 962	59, 265
Indiana	3, 124, 499	36, 354

  

	Assessed value	Area, square miles
Texas	\$3, 602, 000, 000	265, 896
Long Island	3, 596, 000, 000	1, 376
Kansas	3, 481, 000, 000	82, 158
California	3, 181, 000, 000	158, 297

The following data concerning the importance of Brooklyn alone—and it must be borne in mind that Brooklyn is only one part of the eastern judicial district—is impressive:

Brooklyn's population exceeds that of seven States of the Union. Brooklyn's manufactured products amount to more than \$1,000,000,000 annually.

Brooklyn ranks fourth in industry in the United States. Brooklyn ranks sixth in industry in the world. Brooklyn leads the world in the importation, distribution, and refining of sugar.

Brooklyn ranks first as a coffee importing and distributing center. Brooklyn ships approximately 55 per cent of the freight from the combined ports of New York, Newark, Hoboken, and Jersey City, the sailings from Brooklyn visiting 119 foreign cities.

Brooklyn has 187 piers, accommodating more than 700 ocean liners. Brooklyn has the second largest public-school enrollment in the United States, exceeded only by Chicago.

And there is also given the measure of Brooklyn's startling progress in the last 10 years:

	1916	1926
Population	1, 870, 000	2, 240, 000
Telephones	138, 000	356, 000
Building permits	\$35, 300, 000	\$280, 000, 000
Electric meters in service	87, 000	684, 454
Really, assessed valuation	\$1, 750, 000, 000	\$3, 230, 856, 000

And this great city is taking greater strides every year in the march of progress.

This tremendous activity must of necessity result in increased litigation before the Federal courts in the eastern district.

The entire bar, regardless of politics, is strongly in favor of an additional judge in this district. As an example of this, the following resolution by the Brooklyn Bar Association, adopted on March 8, 1928, is indicative of this sentiment:

Whereas the amount of business in the United States district for the eastern district of New York has increased so largely that from 1911 until 1922 there was an increase of about 500 per cent in admiralty, 250 per cent in law and equity, 200 per cent in bankruptcy, and an increase of 500 per cent in criminal cases; and

Whereas the percentage of increases has continued from that period down to the fiscal year ending June 30, 1927; and

Whereas there are now only three district judges appointed from this district; and

Whereas under the present condition one judge is continually occupied with criminal cases, one judge is occupied with all the ex parte and litigated motions and naturalization, that only one judge is therefore available to try the litigated causes in equity, law, and admiralty, so that each class of causes has but three months of each year for the transaction of its business unless judges are brought from out of town; and

Whereas there has been increasing difficulty in obtaining judges from other districts to sit in the eastern district of New York and relieve the pressure: Now, therefore, be it

*Resolved*, That the Brooklyn Bar Association at a regular meeting thereof, held on the 8th day of March, 1928, places itself on record as being unanimously in favor of there being an increase in the number of judges for the eastern district of New York by at least one; and be it further

*Resolved*, That the Brooklyn Bar Association place itself on record as being in favor of the bill H. R. 5774, now pending before the Committee of the Whole House on the state of the Union; and be it further

*Resolved*, That a copy of this resolution be sent to each Congressman representing a congressional district within the eastern district of New York, and to each of the United States Senators from the State of New York; and be it further

*Resolved*, That the president of the Brooklyn Bar Association be empowered and directed to appoint a committee of 10, 2 members of which shall wait upon each Congressman representing a congressional district within the confines of the eastern district of New York, and each United States Senator from the State of New York, to obtain from such Congressmen and Senators a definite stand upon the following propositions and report the same back to the Brooklyn Bar Association at its next regular meeting, whether the said bill for the additional judge shall have been acted upon or not; and be it further

*Resolved*, That the questions to be asked by the committee of these Congressmen and Senators are as follows:

1. Are you persuaded that an additional United States district judge is necessary in the eastern district of New York at the present time?
2. Are you in favor of the present bill, H. R. 5774, providing for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York?
3. If not, why?

The pressure of business before the Federal courts in this district has necessitated the assignment of judges from other States in the Union in order that the lawyers and the litigants might have even a fair opportunity of having their cases adjudicated. The situation is so serious that but three months of each year is available for trying litigated causes in equity, law, and admiralty. With the congestion so great and the calendar so far behind, a situation is created that is unjust to litigants as it is unjust to taxpayers. Conditions such as are described above result even in denial of justice. If this vital relief is not given at this session of Congress, it will probably mean that at least two Federal judges from outside the State of New York will be required to help relieve the situation until the Congress can finally take action. Whether two outside judges can be spared for this district is, however, problematical, and so in the event of failure of legislation the situation becomes most uncertain.

The proposal for this additional judge has the approval and recommendation of the Attorney General of the United States and also the approval and recommendation of Chief Justice Taft as head of the conference of senior circuit judges of the United States.

I believe it is imperative that the Congress should pass this bill at the earliest possible time, and certainly during this Congress.

EDMUND F. HUBBARD

The next business on the Private Calendar was the bill (H. R. 10139) for the relief of Edmund F. Hubbard.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM and Mr. WARREN objected.

Mr. WHITEHEAD and Mr. WOODRUM rose.



Mr. WHITEHEAD. Will the gentlemen withhold their objection?

Mr. WARREN. Yes.

Mr. ROWBOTTOM. I will withhold the objection, but I think on the report of the War Department I will feel constrained to object.

Mr. WHITEHEAD. I would like to say to the gentleman the report of the War Department states that in the opinion of the department, from the evidence which they have in their records, they do not see any justification for the passage of such a bill, but they did not have the evidence in their records that the Committee on Military Affairs had before it. The evidence before the Committee on Military Affairs consisted not only of the affidavit of Captain Hubbard but of an affidavit by a medical officer of the Army who examined Captain Hubbard in the early spring of 1924 and certifies to the committee in his affidavit that in his opinion Captain Hubbard, if he had been examined when he was discharged in December, 1922, would have been found to be suffering from diabetes mellitus, and this bill only gives Captain Hubbard the right to have the retiring board convened and appear before that board.

Mr. ROWBOTTOM. Does not the report state that he certified—

that he was not suffering from the effects of a wound, injury, or disease, whether incurred in the military service of the United States or otherwise.

Mr. WHITEHEAD. Captain Hubbard certified to that when he was discharged, but he did not know what he was suffering from at the time of his discharge. He states in his affidavit that he had been sick in the Philippines and had been falling off, but he thought he would recover and soon regain his flesh and his health.

Captain Rutledge and the other captains who served with him not only at Camp Lee and Fort Myer, but who served with him in the Philippines, so certify. They state that he had been in bad health in the Philippines before he came home, in November, 1922, just a month before he was discharged, and one of these captains states that his uniform "hung on him like a sack." This is in the evidence before the committee.

Mr. SCHAFER. Will the gentleman yield?

Mr. ROWBOTTOM. Yes.

Mr. SCHAFER. The gentleman thoroughly understands that following the late war a good many thousands of men were discharged without any disabilities being noted on their enlistment papers upon examination in the camp prior to their discharge, because they ran them through like cattle running through the stock pens, and the examinations were very incomplete.

Mr. WOODRUM. If the gentleman will permit, I would like to say there is direct precedent for this Hubbard bill in the Coffey bill that was passed at the last session of Congress. The situation is that the act of 1922, for the purpose of reducing the personnel of the Military Establishment, provided three methods of discharge of soldiers—one for length of service, the other for disability, and the third providing for a discharge or elimination from the service with one year's pay. Captain Hubbard was eliminated from the service with a year's pay and was not given a physical examination, although in the routine of his discharge he did certify that, so far as he knew, he was not suffering from any disease. As a matter of actual fact, and as shown in the report which the gentleman has in his hand, by the affidavits of reliable physicians, he was suffering then from diabetes.

This bill does not put him on the retired list and does not give him a penny of retired pay. It simply gives him a hearing before the retiring board of the War Department, where he can go before the board, and if he can convince the board that, in their own judgment and discretion, he should at that time have been retired for disability, then they have the right to pass upon the case.

Mr. HUDSON. If the gentleman will permit, why is he estopped from doing that without this legislation?

Mr. WOODRUM. Without this legislation the time for such action has passed.

Mr. WHITEHEAD. Yes; that is the situation now.

Mr. WOODRUM. And in the last Congress we passed similar legislation. This bill simply gives him a hearing before a board that has the right to pass on his case, and if they decide he has not proven his case, that is all there is to it.

Mr. ROWBOTTOM. I withdraw my objection, Mr. Speaker. The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to summon Edmund F. Hubbard, late captain of Infantry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Edmund F. Hubbard was discharged or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edmund F. Hubbard a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edmund F. Hubbard shall not be entitled to any back pay or allowances by the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN HEIZENBERGER

The next business on the Private Calendar was the bill (H. R. 2821) for the relief of John Heizenberger.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, etc., their widows and dependent relatives, John Heizenberger shall hereafter be held and considered to have been honorably discharged from Company A, Eighth Regiment United States Infantry, November 8, 1901.

With the following committee amendment:

In line 9, after the figures "1901," insert a comma and the following: "*Provided*, That no bounty, back pay, pensions, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of John Heizenberger."

A motion to reconsider was laid on the table.

CLIFFORD D. HAM

The next business on the Private Calendar was the bill (H. R. 5978) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SPEARING. Mr. Speaker, an identical bill (S. 1899) has passed the Senate and contains the committee amendment. I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$5,300 to Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua, for damages to the wharf at Corinto, Nicaragua, caused by the United States ship *Quail*.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD S. LATHROP

The next business on the Private Calendar was the bill (H. R. 6360) for the relief of Edward S. Lathrop.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise

appropriated, to Edward S. Lathrop, of Bunnell, Fla., the sum of \$281.05. Such sum represents the amount paid by him for traveling and subsistence when he was forced to leave his duties as United States vice consul at Torreon, Mexico, in 1920, by reason of publication without his fault of confidential communication of his to the Department of State.

With the following committee amendment:

Line 6, strike out "\$313.34" and insert in lieu "\$281.05."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### GREAT WESTERN POWER CO.

The next business on the Private Calendar was the bill (H. R. 8185) for the relief of the Great Western Power Co., of San Francisco, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HUDSON. Reserving the right to object, I wish the gentleman from California would make a statement for the purpose of the Record.

Mr. FREE. Mr. Speaker, in San Francisco Bay where the ferries cross the anchoring of vessels is prohibited. Despite that fact, the U. S. dredge *Mackenzie* anchored in the area and caught in the cable of the Great Western Power Co. It was thought under the public vessels act of 1925 that the company would have an opportunity to bring suit in the admiralty court, but the court has held that the admiralty court has no jurisdiction of such damages. Therefore this bill is to give the company the right to bring the suit as it was thought it had a right to bring it.

Mr. EDWARDS. What is the amount involved?

Mr. FREE. Seven thousand three hundred and eighty-three dollars and two cents.

Mr. EDWARDS. Is this recommended by the committee?

Mr. FREE. Yes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim of the Great Western Power Co. of San Francisco, Calif., owner of a subaqueous power cable lying beneath the waters of the Bay of San Francisco against the United States for damages alleged to have been caused by collision between the said subaqueous cable and the U. S. steam dredge *Mackenzie* in San Francisco Harbor on or about April 15, 1927, and by the injuring and damaging of said subaqueous cable by the said steam dredge *Mackenzie* may be sued for by said Great Western Power Co. in the District Court of the United States for the Northern District of California sitting as a court of law and acting under the rules governing such court. And said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, and interest at the legal rate upon any such damages, as shall be found to be due against the United States in favor of the Great Western Power Co. upon the same principles and measures of liability as in like cases between private parties, with the same rights of appeal, error, and certiorari: *Provided*, That such notice of suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within six months from the passage of this act.

With the following committee amendment:

Page 2, line 7, strike out "and interest at the legal rate upon any such damage."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### JAMES W. BASS

The next business on the Private Calendar was the bill (H. R. 8748) for the relief of James W. Bass, collector of internal revenue, Austin, Tex.

The Clerk read the title of the bill.

The SPEAKER. There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to relieve James W. Bass, collector of internal revenue, Austin, Tex., of the value of certain \$1 and \$2 documentary internal-revenue stamps amounting to \$2,400, which were charged to him and which have through some unknown means disappeared from his office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### JAMES O. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 8807) for the relief of James O. Williams.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONTAGUE. I object.

Mr. HALL of Illinois. Will the gentleman reserve his objection? I have a very great interest in it. This man lives in my town.

Mr. MONTAGUE. The gentleman says he is interested in this bill?

Mr. HALL of Illinois. Very much, indeed. The man lives in my home town and it is a very worthy case.

Mr. MONTAGUE. I want to be frank about this. I think I have just cause for complaint of the treatment I received when the gentleman from Massachusetts objected to returning to my meritorious bill.

Mr. HUDSON. Will the gentleman yield for a moment for me to make a statement? When the gentleman from Virginia was not on the floor at the beginning of the session the gentleman from Massachusetts [Mr. UNDERHILL] said that beginning with the Private Calendar he would object to a request to return to any bill behind the star. I suppose the gentleman from Massachusetts was trying to be fair to everybody.

Mr. MONTAGUE. But we did return back of the star by unanimous consent. I heard one bill considered back of the star.

Mr. UNDERHILL. That was the first one.

Mr. MONTAGUE. I understood the gentleman from Massachusetts to say that he objected to my request to return behind the star because the gentleman from Nebraska [Mr. SIMMONS] made the request that he do so.

Mr. UNDERHILL. I said I had made a statement on the floor of the House that any further request to return to matters behind the star would be objected to by me, and when the gentleman from Virginia made the request I said I had refused others and would therefore object. And furthermore, the gentleman from Nebraska [Mr. SIMMONS] asked me to protect his rights in the matter.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized to relieve James O. Williams, special disbursing agent for the State of Washington and the Territory of Alaska during the fourteenth decennial census from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$3,924, erroneously paid out by him in good faith, for subsistence, on the strength of certain travel authorizations during the period from August 14, 1919, to November 30, 1920.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### LOUIE JUNE

The next business on the Private Calendar was the bill (H. R. 2473) for the relief of Louie June.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. CURRY], who introduced the bill, is not on the floor. Is there anyone here who can give us any information about the bill?

Mr. UNDERHILL. Mr. Speaker, this bill has been before previous sessions of Congress, but has failed of passage because it got caught in a jam. The fact of the matter is that this Chinaman, who was employed at the Mare Island Navy Yard, on a local road fell into an excavation which had been left there by the employees of the yard, which was unguarded and unlighted. He received a very bad injury. He was in the hospital for a long time. The only claim that the poor Chinaman makes is for the amount of money that it cost him while he was in the hospital.

Mr. HUDSON. Totalling what?

Mr. UNDERHILL. Two thousand five hundred dollars. As a matter of fact, that is less than the amount that the Chinaman spent.



Mr. HUDSON. Has not this bill been objected to in previous Congresses?

Mr. UNDERHILL. Not that I know of.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized, empowered, and directed to pay, out of any funds in the Treasury of the United States of America not otherwise appropriated, the sum of \$2,500 to Louie June to reimburse him for money expended and compensate him for an injury received at the Mare Island Navy Yard, Calif., May 27, 1922.

With the following committee amendment:

Line 6, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### HARRY PINCUS

The next business on the Private Calendar was the bill (H. R. 6704) for the relief of Harry Pincus.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Postmaster General is hereby authorized and directed to credit the accounts of Walter C. Burton, deceased, formerly postmaster at Brooklyn, N. Y., in the sum of \$1,200, which is the amount of money-order funds lost by theft at Station A, Brooklyn, N. Y., July 29, 1922, and to release Harry Pincus, a clerk in that post office, from liability for said sum.

"SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harry Pincus, a clerk in the post office at Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$620 paid by Harry Pincus on account of the loss of money-order funds referred to in section 1 of this act, and such further sum as may be paid by said Harry Pincus on account of said loss, and deposited for the service of the Post Office Department after that date and prior to the approval of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### E. C. HOWZE

The next business on the Private Calendar was the bill (H. R. 6930) for the relief of E. C. Howze.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$44, to E. C. Howze, of Union, S. C., who served as United States commissioner from November 30, 1924, to March 31, 1925.

With the following committee amendments:

Line 5, after the word "appropriated," insert the words "not to exceed"; and in line 6, after the word "Carolina," strike out "who served as United States commissioner from November 30, 1924, to March 31, 1925," and insert "such sum as may be required, on the basis of the fees allowed by law, for services as a de facto United States commissioner, from November 30, 1924, to March 31, 1925, inclusive, upon certification by the Comptroller General of the United States of the amount found due."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CARTERET STREET METHODIST EPISCOPAL CHURCH, BEAUFORT, S. C.

The next business on the Private Calendar was the bill (H. R. 8034) for the relief of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, will the gentleman explain why this sum was cut from \$15,000 to \$5,000?

Mr. HARE. Mr. Speaker, the bill was introduced with the idea that interest should be allowed on the original amount, though I learned it was not the practice of the Government to allow interest on claims. For that reason it was reduced to \$5,000.

Mr. HUDSON. What was the original amount?

Mr. HARE. Five thousand dollars.

Mr. HUDSON. The report shows here that they put in a claim to the War Department for \$3,040.

Mr. HARE. I investigated that and found that that was a claim that came originally from Beaufort, N. C., and not from Beaufort, S. C. That is another claim.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. HOOPER. The War Claims Committee examined this matter with the utmost care. It was a peculiar situation. We went into it with greatest care and made up our minds that it was really an equitable claim under the extraordinary circumstances under which it arose.

Mr. HUDSON. I am glad to reply that I have such confidence in my colleague and his work on that committee that I shall make no objection.

Mr. ROWBOTTOM. I withdraw my objection, Mr. Speaker. The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the officers or trustees of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 for losses sustained by the use, occupation, alienation, and appropriation of the Wesley Methodist Church and grounds in the town of Beaufort, S. C., by the military forces of the United States during and following the War between the States.

With the following committee amendment:

Line 7, strike out "\$15,000" and insert "\$5,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CLARENCE CLEGHORN

The next business on the Private Calendar was the bill (H. R. 5981) for the relief of Clarence Cleghorn.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Clarence Cleghorn, of Dallas, Tex., the sum of \$900 as the amount expended for hospital treatment, medical expenses, loss of time on account of injury, etc., in connection with injuries sustained by him in an accident on August 4, 1919, at which time he was run over by a United States Army motor truck from Love Field, Dallas, Tex.

With a committee amendment, as follows:

Line 7, strike out the figures "\$900" and insert in lieu thereof the figures "\$406."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### DON C. FEES

The next business on the Private Calendar was the bill (H. R. 11014) for the relief of Don C. Fees.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONTAGUE. I object.

Mr. SCHAFER. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MONTAGUE. I will.

Mr. SCHAFER. This is a department bill, introduced by the chairman of the Claims Committee at the request of the Department of Justice. It appears that the motor cycle in use in the Department of Justice was worn out, and they had no funds appropriated to purchase a new motor cycle. However, they had at their disposal some funds for the rental of machines, and they entered into a contract for the rental of a motor cycle. The Government received the motor cycle which was needed by the department and does not lose anything by the enactment of this bill. It is really a bill for the relief of a disbursing officer of the Department of Justice.

Mr. MONTAGUE. I have a similar bill, in which the department not only would not lose, but would gain. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

CHARLES L. DEWEY

The next business on the Private Calendar was the bill (H. R. 7230) for the relief of Charles L. Dewey.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman who introduced the bill if the claimant expects to secure a pension after the passage of the bill?

Mr. ARNOLD. No. That will not be the effect of the bill.

Mr. ROWBOTTOM. I withdraw my reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles L. Dewey, who was a member of Company F, Fourth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th day of September, 1898, for gastric catarrh and rheumatism: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TIMOTHY HANLON

The next business on the Private Calendar was the bill (H. R. 8423) for the relief of Timothy Hanlon.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to pay to Timothy Hanlon, out of the appropriation for medical and hospital services, the sum of \$28.50 for services rendered in connection with the funeral and burial of Raymond F. Poore (C-541-245), deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLES J. HUNT

The next business on the Private Calendar was the bill (H. R. 10327) for the relief of Charles J. Hunt.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States is authorized and directed to allow the claim of Charles J. Hunt for compensation in the sum of \$1,228.33 for services as financial clerk in the office of the Superintendent for the Five Civilized Tribes at Muskogee, Okla., from April 25, 1926, to September 8, 1926, inclusive, which services were at the rate of \$3,300 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FRANK E. RIDGELY

The next business on the Private Calendar was the bill (H. R. 7142) for the relief of Frank E. Ridgely, deceased.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the late Commander Frank E. Ridgely, United States Navy, who was retired May 24, 1925, by reason of physical disability which originated in the line of duty between April 6, 1917, and March 3, 1921, while holding the higher temporary rank of captain, United States Navy, shall be regarded as having been retired in such higher rank, as authorized by section 25 of the act approved March 4, 1925 (43 Stat. L. 1278), for officers retired prior to March 4, 1925: *Provided*, That this act shall not entitle any person to additional pay, allowances, gratuity, or pension.

With a committee amendment as follows:

Page 1, line 4, strike out the figures "14" and insert the figures "24."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

HOMESTEAD SETTLERS ON THE DRAINED MUD LAKE BOTTOM, IN THE STATE OF MINNESOTA

The next business on the Private Calendar was the bill (H. R. 8487) to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, the only objection I have to this bill is that it does not contain appropriations for the relief of all the settlers. I find the gentleman from Minnesota has introduced House bill 12375, which has for its purpose the settlement of one of the other claims. Therefore I shall not object to the present consideration of this bill.

Mr. HUDSON. Mr. Speaker, I object for to-day.

Mr. LEAVITT. Will the gentleman reserve his objection?

Mr. UNDERHILL. Why does the gentleman from Michigan object?

Mr. HUDSON. It seems to me this bill ought not to be passed at this late hour with all of these claims in it.

Mr. LEAVITT. It is one of the most meritorious bills on the calendar.

Mr. HUDSON. I objected because I did not see the gentleman from Minnesota [Mr. SELVIG] on the floor, but I see he is present.

Mr. UNDERHILL. The committee gave this bill the most careful attention. It went into it to the last degree, even to the changing of the spelling of a name and striking out various amounts. No bill could have had more consideration by a committee than this bill has had.

Mr. CHINDBLOM. And it has the recommendation of the department?

Mr. UNDERHILL. Yes.

Mr. HUDSON. It is a bill carrying over \$34,000, and I wanted the gentleman from Minnesota to be on the floor.

Mr. LEAVITT. The gentleman is here.

Mr. HUDSON. I see the gentleman is present.

Mr. SCHAFER. It is a good bill, but it does not go far enough.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the following several sums of money to the respective claimants, their heirs, assigns, or legal representatives: the amount to be paid to each settler, his heirs, assigns, or legal representatives: To Grant I. Flakne, \$2,009; to Casper J. Dale, \$4,254.50; to Engebret Norbeck, \$2,458.50; to Ole Reiersen, \$1,610; to Ole Maakstad, \$757; to Andrew O. Spokely, \$2,016; to Carl M. Ostby, \$429.08; to Ervin J. Dale, \$1,535; to Sherman J. Talle, \$1,070; to Tom Risdal, \$602; to Andrew P. Haugen, \$390; to Agnes Fosen, \$681; to Olava Sollom, \$550; to Almond O. Snook, \$1,220; to Hilmar Moberg, \$3,235; to Mary Moberg, \$890; to Alfred Newton, \$997; to Arnold E. Talle, \$714; to George E. Jensen, \$425; to Fred Peterson, \$1,970; to Karoline Johnsen, \$370.50; to Emil Bernet Simonson, \$1,201; to Ole Wilhelm Moberg,



\$1,728; to Olf Torger Ness, \$845; to Hilda Edith Brekke, \$845; to Ed Furr, \$975; to Matilda Furr, \$558; to Ole Olson Garthus, \$435.

In all, \$34,770.58, which amount is hereby appropriated, and the Secretary of the Interior is authorized and directed to make the payments to the claimants herein named and provided for by his warrant upon the Treasury of the United States: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim or for any act whatsoever in connection therewith an amount greater than 10 per cent of the amount allowed under this bill to the person for whom he has acted as agent or attorney: *Provided further*, That no purchaser or assignee of the claims of any of the said claimants shall receive therefor a greater amount than was paid to the claimant for his assignment.

With the following committee amendments:

On page 2, line 2, strike out the initial "J." and insert the initial "T."

Page 2, line 8, strike out "Johnasen" and insert "Johansen."

Page 2, line 12, insert a semicolon and the following: "to Elmer Odie, \$80."

Page 2, line 13, strike out the figures "\$34,770.58" and insert "\$34,850.58."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOIS WILSON

The next business on the Private Calendar was the bill (H. R. 10192) for the relief of Lois Wilson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to Lois Wilson, of Gaston County, N. C., formerly a nurse in the service of the United States Veterans' Bureau, who contracted tuberculosis while on duty at United States Veterans' Bureau Hospital No. 60, Oteen, N. C., from November 1, 1924, to May 22, 1925.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon efforts to negotiate a contract for the private operation of Muscle Shoals.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, I was so anxious to get what is called the Madden bill, which incorporates a proposal by the American Cyanamid Co., whose president is Mr. W. B. Bell, in such shape as to be able to vote for it myself and to enable other Members of the committee and of the Congress to support it that I worked very hard in preparing and proposing benefiting amendments to same. I must have offered 100 or more amendments in all, and nearly all of them were finally accepted by the American Cyanamid Co. through its agent and officer, Mr. Bell, and are now incorporated in the present draft of the Madden bill. Just to show some of the situations that presented themselves before the committee, and especially before the subcommittee of five, of which I was a member, I have extracted a few typical pages from the hearings.

For instance, on February 3, 1927, while Mr. Bell was testifying and had expressed great fear that German competition might destroy the American fertilizer industry and gave this as a reason for his declining to make certain additional guaranties, the following took place:

Mr. McSWAIN. Well, I am a Democrat, but I'll be blamed if I would not vote to protect my own governmental industry from destruction by German competition, because I would be protecting the very agency of national defense. Because if they can put you at Muscle Shoals out of business, they will put every other private manufacturer out of business, and therefore there will be no peace-time industry making any

amount of ammonia or nitrate, so that in war time we will be at the mercy of both Germany and Chile for our nitrates.

Mr. WURZBACH. That was exactly the argument Andrew Johnson made, you remember—

Mr. McSWAIN. Although I would not promise to protect the textile manufacturers of New England nor the bootmakers of Boston, I'll be hanged if I won't protect our own nitrate industry down at Muscle Shoals.

Again, on February 4, 1927, in commenting upon an amendment by myself to insure impartial and thorough and even critical audit of the books, the following took place:

Mr. BELL. We are trying to get all of our difficulties over before we start instead of having them afterwards.

Mr. McSWAIN. Exactly—that under these numerous items of cost the books, in the best of good faith, would probably be kept and the business so conducted that absolutely cheap fertilizers would probably never come about; that fertilizers will be produced, but even if they move and sell them, they will just be skimmed along slightly underneath the existing scale of prices and not enough really to do the Fertilizer Trust and the financial interest backing them very much damage; whereas if you, in a private enterprise, without any Government subsidy, now are making plant food for 43 per cent less than the private interests are making it, and if you were to get down yonder producing it in enormous masses under a Government subsidy as to power, you ought to cut the cost of this plant food in half, at least, in a few years. And it is very forcibly borne in on my mind that this matter of the audit of the books, as well as an inspection of the plant and supervision of the plant, under the direction of the farmers' bureau, is the key to the situation for the purpose of insuring and guaranteeing that the greatest economies will be practiced in the matter of manufacturing this fertilizer.

Again, on February 4, 1927, the following remarks were made by me:

Mr. McSWAIN. Mr. Bell, I respectfully submit there are various items in these cost factors that call for the exercise of discretion, that call for decisions on points of judgment, as to what is and what is not to be included in the items of cost. The very first one is (B) "All indirect expenses." And what indirect expenses are properly chargeable to the cost of fertilizer? That is a matter of decision that he must render judgment upon on the very threshold of his audit, in the first place.

Well, I do not question in either event the audit will be made honestly, but my idea is to try to insure some of the diligence and some of the initiative that would originate from what has been characterized as a partisan audit. It would please me very especially if the farmer board auditor and the Cyanamid Co.'s auditor would disagree very substantially and get into right much of a racket, so that a third man would get the benefit of the different points of view in deciding upon questions of that sort, which, if he were to make an interrupted and uninterfered with audit, would never occur to him, never come to his attention except it was aroused by them to a point of consciousness.

I want to be perfectly frank and not seem to be ugly and seem to suspect everybody and think everybody is a crook, and if you will read the debates in the Constitutional Convention of 1787 you will find this thing repeatedly coming before them—the question of who they would trust, what power and discretion would be given—and this observation was made one hundred times, I reckon, that "To confer this power, wide open, without any checks and balances we are seeking to throw around its exercise, would be to confer power no good man ought to want to exercise and no bad man ought to be permitted to exercise." So we have these great constitutional checks and balances, one against the other, not on the assumption that the President of the United States would not make good treaties with foreign nations, but on the ground he ought to have the advice and consent of two-thirds of the Senators before he committed this Nation as to its foreign policy, etc. Now I submit that—

Mr. WRIGHT. Without argument.

Mr. McSWAIN. Without further argument, at least.

Again, on February 4, 1927, in considering a proposition offered by many to give the farmer board power to determine the kinds and forms of fertilizer to be made by the American Cyanamid Co., the following took place:

Mr. McSWAIN. Mr. Bell, you have given them all the power and a darn sight more than you would be willing to give the Government under the present plan, and it has more to lose.

Mr. BELL. Yes; because we are putting up \$35,000,000.

Mr. McSWAIN. This is a partnership where the United States Government is going to put in over \$225,000,000 before it is through, and you may have in, ultimately, \$35,000,000; but a part of that will be depreciation and profits you have already made, and it does look to me like some agency of the United States ought to have a look-in, somehow. Now, the suggestion was made yesterday to let repre-

representatives of the farmer board go there and just look around—to look inside. Under your construction of this contract no Member of Congress, nor the Secretary of War, nor President of the United States would ever have the right to put his foot inside or upon that 2,500 acres. Now, this being to a very substantial effect a partnership business, being financed by the United States Government under a proposition by which you can not lose and by which you may make enormous profits—

Mr. BELL. No, we won't; you can not figure any way by which we can make enormous profits on this proposition. It just can not be done.

Mr. McSWAIN. Suppose you decide, in a very few years, to resort to the synthetic process and thereby save to yourselves some 65 to 75 per cent of the power you have to use under the present process and devote that power to industry rather than the manufacture of fertilizer, then you will have not exceeding 100,000 horsepower in the fertilizer business out of a maximum of 280,000, and all the rest, and all the surplus, and all the secondary (and at times that secondary power may amount to half a million horsepower) will be devoted to industry and highly profitable, no doubt.

Again, on February 4, 1927, discussing the lack of power in the so-called "farmers' board" to protect the farmers as against the selfish interests of the American Cyanamid Co., the following took place:

Mr. McSWAIN. They would stop that and would not let you sell it, and then all that power would go to a power proposition, because this farmer board has no more power than a headless, armless, eyeless, legless, brainless man.

Mr. BELL. I am sorry you feel that way, but that is not my conception of what we offer the Government.

Mr. McSWAIN. I am only one, and I am willing to let the others pass on it; but if it is not changed in that respect, I am going to tell the House what I think about it; and if they want to vote on it, it is their responsibility. But I will certainly shed my responsibility for voting on this kind of proposition. That is all I have to say; I am through, now.

Mr. FISHER. Would not that be subject to the farmer board, as to the composition of the fertilizer?

Mr. McSWAIN. You tell it; you are a lawyer and have been in Congress longer than I have, and you tell me whether it would or not. I ask you that question.

And again in the same connection observe the following colloquy:

Mr. McSWAIN. You have not misled us on anything; you have been perfectly frank with us; I will say that for you.

Mr. BELL. Thank you.

Mr. McSWAIN. Now let me withdraw any excessive heat, and let us keep the flush out of our cheeks, but it is apparent to my mind you do not have confidence in your ability to make fertilizer, even with a Government subsidy, that will undersell the other manufacturers.

Mr. BELL. Oh, Mr. McSWAIN, I would not put my money and other people's money in this thing if I did not have confidence.

Mr. McSWAIN. But they have already put it in; you have gotten them into a speculative venture to build this plant at Warners, and you have gone into Canada, even, and it seems to me you ought to have confidence in your ability to make fertilizer here in the United States, with a Government subsidy in back of you, that would sell. I have said all along that ammo-phos would sell; I am satisfied ammo-phos will sell.

Again, in connection with the point that the American Cyanamid Co. would produce only nitrogen, and that perhaps in the form that the farmers would not buy and use, I made the following comment:

Mr. McSWAIN. And you will recall that several times, when other members of the committee were disposed to doubt whether ammo-phos would sell to the American farmer, I said I am satisfied it will sell, if it sells for 43 per cent below the present market value of plant food of that equivalent, and it was my hope and belief that, with cheap power and mass production, under virtually a Government subsidy, we would cut the cost of that plant food to 50 per cent—and I am willing to take the responsibility of saying that it will certainly not be less than 43 per cent—and, if it could go out in the form of ammo-phos, where our farmers could use it, I was willing to yield on a great many things in the bill that I did not agree to, in order to get ammo-phos for at least 43 per cent below the present cost of nitrogen and phosphoric acid as a plant food in the present form. But, as I see it now, under the interpretation of the bill as a nitrogen content alone, it won't meet the situation of the farmers and the nitrogen will go into the fertilizer factories, which are virtually mixing institutions, and the American farmer will be left in the lurch one more time.

Again while examining Mr. Phillips, who proposed to finance in part the Farmers' Federated Fertilizer Co., the following took place:

Mr. McSWAIN. Now, Mr. Phillips, you have had a far vaster experience in the handling of millions of money than any of the rest of us; I guess I can safely say that—certainly I am not in the 10-cent class as compared with you.

Mr. PHILLIPS. I do not think that ought to be in the record.

Mr. McSWAIN. I want to ask you this: Do you think, as a business proposition, you or anybody else would have any serious difficulty in raising sufficient money to recondition and to operate, by way of working capital, and build whatever additional plant might be necessary—not including any dam, of course—to make fertilizer there, if you were to get 6 per cent on your investment, have the privilege of amortizing that investment within 10 years and receive 8 per cent on the manufacturing cost of the fertilizer and then, if after a period of 10 or 15 years the manufacture of fertilizer would be an economic impossibility, because of competition from either domestic manufacturers or foreign manufacturers and, therefore, could be manufactured only at a loss, so that out of its manufacture, you could not receive your 6 per cent and your 8 per cent profit, and, therefore, could not amortize the investments—if you had a guaranty from your Government that in the event of such complete failure you could, by arbitration or by court action, have the value of your remaining investment ascertained and refunded to you in toto, do you think, under such a proposition as that you would have any serious difficulty in raising money to conduct the business?

Mr. PHILLIPS. I do not.

Mr. McSWAIN. Does not that strike you as a proposition like a poor man going into business with a rich man whereby the rich man says, "You take this money and go into business; if you succeed you get at least half of the profit; if you fail I take the business off of your hands and pay back what little you put in it"—is not that about the analysis of it?

Mr. PHILLIPS. Well, I think you can make a better deal than that.

Mr. McSWAIN. I am asking you, if you could make as good a deal as that, from your point of view—not from our point of view—would not you jump at it?

Mr. PHILLIPS. I think that would be a satisfactory deal.

Mr. McSWAIN. I know if some rich man would take me in business in that way I would certainly jump at it. That is all, Mr. Chairman.

Mr. R. F. Bower associated in some way with the American Farm Bureau Federation, appeared before the committee, and among other things the following colloquy took place:

Mr. WAINWRIGHT. Mr. McSWAIN, just state to him, if power faded out of the picture, then the two alternatives you put up.

Mr. McSWAIN. I am sure Mr. Bower already understands it. Of course, Mr. Bower, you gentlemen are to be commended for the efforts you have put forth to try to put this into fertilizer proposition, and for the service you have rendered personally, and all of us thank you, but you men very well understand that you could not expect us just to vote for and approve and pass out a bill without amendment or modification—

Mr. BOWER. No, sir.

Mr. McSWAIN (continuing). That had been drawn by Charles Evans Hughes, and his charge for giving advice was more than \$100,000—

Mr. BOWER. That would not affect me one way or the other; I would not expect you to report it out if it had been drawn by Chief Justice Taft, or anyone else.

Mr. McSWAIN. Now then, you admit it is a matter for our judgment if it has to be modified?

Mr. BOWER. Surely.

Mr. McSWAIN. And, of course, just how far we would modify is a matter of judgment.

Mr. BOWER. To a certain extent, Mr. McSWAIN; but when you modify to the point where you destroy your proposal then I begin to wonder if you have not gone too far.

Mr. McSWAIN. I will tell you what I believe; I believe if you gentlemen had just backed us up here—because I submit I am just as good friend to the farmer as you, Mr. Gray—

Mr. BOWER. We believe that.

Mr. McSWAIN. And my effort here has been to get fertilizer and to get the kind of fertilizer that would mean a fertilizer that the farmers would buy, and not merely the ingredients that the fertilizer companies would buy—my desire has been to free the farmer of the grip that the fertilizer manufacturers have had over him ever since I was a little boy, you see. Now, then, I went into this thing and I found this little pamphlet, this catechism you gentlemen put out was misleading—

Mr. BOWER. If it is we would like to know it.

Mr. McSWAIN. Because I found the answer to this question here on page 3 [indicating] is not correct. Mr. Bell admits that is not correct. Just read this: "Does the Cyanamid Co. agree under the terms of the Madden bill to furnish phosphoric acid also?" That was the question.

Again, while Mr. Chester H. Gray was before the committee advocating the adoption of the Madden bill, I pointed out to him the legal situation and the business probability that fertilizer companies and the power companies would be able to make very attractive offers to obtain a controlling interest in



the stock of the American Cyanamid Co., and then the lease would be in unfriendly hands, and then they could so manipulate it so as to keep the letter, but violate the spirit and purpose, and thus defeat our great aim for fertilizers.

Mr. McSWAIN. Now, then, my idea was this: It would be possible for the Cyanamid Co. to sell out—it could just sell out and assign the stock, could it not?

Mr. GRAY. I presume so.

Mr. McSWAIN. It could sell to the power companies or anybody else. Now, then, you must always construe a contract when you are making it for a long time, just like a lawyer drawing a will; you must take the most adverse and contrary view possible as to what could take place in the remote future. Now, what I apprehend could be done would be for this concern to get into the hands of people unfriendly to the fertilizer interests, who merely wanted to keep the bare letter and not the spirit, and they could manufacture a concentrated form of fertilizer of one single ingredient (of nitrogen, say) in such form that it would not sell, and they could keep 25 per cent of the production in storage and go on and use the power indefinitely for the remainder of the term, and during that last 40 years, Mr. Gray, they would sit on the pot, the fertilizer pot, and keep everybody else off of it, and not let anybody else at all in to make a fertilizer that would sell to the farmers that they would use at all. Now, what we wanted to do, if they failed in fertilizer, was to be able to try somebody else, don't you see?

Mr. GRAY. Yes.

Mr. McSWAIN. Because surely the cyanamide people are not the last word in all the world in the manufacture of fertilizer; surely there will be somebody else who should at least have an even break if they, after 10 years of experimentation on their part in the manufacture of fertilizer, should fail. So the proposition was that we would recommend to Congress, if they failed in the manufacture of fertilizer and had to give it up because it would not move, that then the Congress of the United States would pay them back every dollar they had put in the fertilizer business and take the plant over and let somebody else try it for a period. That was our proposition, and it seems to be just as fair as can be.

As evidence of my earnest desire to negotiate a contract with the American Cyanamid Co. so as to insure private operation, I submit the following extracts of statements and colloquies by me:

Mr. McSWAIN. I do not think there is any doubt about the fact that the Government is going to try the fertilizer business there somehow, either indirectly through lessees or directly through its own agencies. Now, my belief is, rather than have the Government directly go into the manufacture of fertilizer and put up many millions of dollars of its own in improvements and permanent investments, it would agree to give it to a private concern that has a selfish interest in trying to succeed and, if they should make an honest effort and fail, that the Government would then recoup it for the investment in the fertilizer plant.

And, again, it is observed how I was urging Mr. Bell to look at the problem from our broad point of view—

Mr. BELL. Our plants on the books have been written down. I believe the appraised value of our plants would run substantially over \$20,000,000.

Mr. McSWAIN. So you have about \$16,000,000 or \$17,000,000 in the fertilizer business?

Mr. BELL. All of that; yes.

Mr. McSWAIN. Now, then, when you put that money into the plants, you met the same contingency that you would meet when you would go into the fertilizer business at Muscle Shoals, did you not, to wit, that some cheap process might come along and destroy the value of your equipment?

Mr. BELL. Yes.

Mr. McSWAIN. Or foreign competition might destroy it?

Mr. BELL. Yes.

Mr. McSWAIN. Exactly. Then what objection do you have to the proposition we have suggested that, if some cheaper process does destroy your future investment at Muscle Shoals, or foreign competition destroys it—what objection do you have to an agreement by the Government to refund what you have lost rather than take your chances were that to happen, like you did when you put \$17,000,000 in the present business? You took your chances with that, did you not, without anybody agreeing to indemnify you?

Under the bill as now written it is true, but suppose we assume now that Cove Creek would not be built, would you be willing to take this power from Dam No. 2 and Dam No. 3 and the steam plant and devote it all, cutting out the Union Carbide Co. or anybody else, devoting that all to the manufacture of concentrated fertilizer so that if in the future a more economical process might be discovered whereby it would take half the amount of power it now takes that the product of fertilizer would be double in volume from that which could now be turned out?

Mr. BELL. No.

Mr. W. B. Bell, president of the American Cyanamid Co. is a gentleman of great intelligence, of high character, and is perfectly fair and candid. I feel that the committee would have been willing to have executed the lease with him personally, or even with the American Cyanamid Co. if there could have been legal assurance that Mr. Bell would live 50 years and during that time would continue as president and controlling officer of the corporation. Of course that was impossible. But it is stated here to show the esteem in which Mr. Bell was held by the committee:

On the basic principle of whether you want private operation or whether you want Government operation, I see there is some difference in the opinion of the committee, and that is a difference that we can not very well reconcile. But in our mutual efforts to try to get together I know that the committee has gone very far, and I want to express my appreciation of it, and I hope that they feel the same way toward me.

Mr. McSWAIN. Yes; I understand that we all feel very kindly and appreciate the great candor Mr. Bell has shown. I want the record to show that emphasis was laid upon the fact that Mr. Bell has said that these amendments that have been suggested by various members of the committee were of a constructive nature; because I did not know of some very ardent and enthusiastic proponents and supporters of this bill who wanted us to swallow just like it was handed in here, without the change of a single word, because according to their very fluent and verbose arguments the bill was perfect as it stood.

I think that a great deal more can be done to perfect it, and I want everything I say to go on the record, so far as that is concerned; it is my belief, after we have discussed the matter with Mr. Bell, that we shall have to go into an executive session ourselves and see if there is anybody who has any amendments, and vote them up or down, and when we are through with the measure let the House say what it wants to do with it, and after the House has passed on it let the Senate say what it wants to do with it, and then we will see what it looks like. Then, if Mr. Bell recognizes his child and is still willing to take him into his family, that is his privilege. And if he wants to disown him, that will be his privilege. But I think that we ought to go ahead and do something, somehow—I think that we ought to go ahead and act.

Mr. BELL. We believe that this price will be attractive. That is about all we can say. I imagine that what Mr. McSWAIN means is cost plus 8 per cent. If that price is not attractive, we are out of luck to a very considerable extent.

Mr. McSWAIN. That is not what I mean. I thought that I made plain yesterday what I meant, and in order to make it perfectly plain again, I will state it for the record. I apprehend that this contract will be attacked as a pure war-time cost-plus proposition; that you—that is, the lessee—will be the sole judge of what the cost is, will be the sole judge of the kind to make, and you say you insist on that, of course. And that it would be possible under that proposition with the great subsidy being offered there to barely skim under the price of the private manufacturers who have to pay for every dollar that they use, and barely sell the minimum production required to be made, and thereby make enormous profits out of the American farmer.

All of that margin between the actual cost and that price that shall be fixed just enough below the price fixed by a private manufacturer to make a go of the minimum amount required to be manufactured under the contract. That is just exactly what is in my mind. I thought that I made that plain yesterday.

At any rate, Mr. Chairman, I think this is all aside from the mark. However serious Senator Norris might have been, of course he could only speak for himself, and even if he could control the Senate Committee on Agriculture, and even if he could control the Senate, he certainly could not control the House as to what action it should take on the bill when it got back. We can not control the Senate and we can not control the House. It seems to me we have about gotten to the point now where it is time for us to do something. We can not agree with Mr. Bell any further, and the thing for us to do is to consider what action we shall take. It is not Mr. Bell's bill; it is not our bill. Mr. MADDEN introduced this as a Representative of the United States, and not as the agent of the American Cyanamid Co., and therefore I suggest that we take this bill up and see if we want to amend it, and my idea about the way to amend it, in addition to some verbal changes in the text, is, right down at the end here, to add a few more sections, in substance as follows:

"Sec. 8. That if the lessee, the American Cyanamid Co. and Air Nitrates Corporation, shall not within 90 days after the approval by the President of this act execute the lease herein proposed, then the Secretary of War is authorized to negotiate with any other firm or corporation a lease upon the same terms, changing the names, date, and numbers to correspond with the changed facts; and if the Secretary of War fails for a period of 90 days to negotiate any such lease."

Then section 9. Some such bill as was proposed by the Mackenzie committee, or as a basis for operation the Lowrey bill.

So that it will have three or four aspects to it when it comes before the House, so that nobody can finally say we have not done something. We have put it right up to them to do something, and we will have it out of our way for a while, at least.

As evidence of the reasoning by which we were forced to the position that there must be a recapture clause to protect the Government as a national-defense proposition, I submit the following:

Mr. McSWAIN. Supposing the United States Government wanted a plant in the nature of an arsenal where it might provide according to modern, up-to-date methods, the munitions necessary for war, it would have to go to some other place and put up another plant and buy some more land and have some more trouble, would it not? If that work there becomes antiquated, and Congress feels that it has become antiquated, and yet warfare necessitates explosives, and we do not want to run the risk of having our transports very largely cut off by a foreign fleet, and do not want to run the risk of having the Panama Canal blocked by enemy airplanes, then for the munitions that are necessary for our defense we would have to go somewhere else and put up a modern plant, would we not?

Mr. BELL. Yes. I presume you are not considering this clause by which the United States can take over this plant in time of war?

Mr. McSWAIN. It would be too late, when war came, to put up a modern plant. That was our trouble this last time. We want to be able to fight when the fight starts.

Again, in the effort to arrive at a basis of agreement, I submit the following:

Mr. McSWAIN. But at the same time it would not be enforceable in any way; consequently that is a contingency we ought to take into consideration. And I offer this suggestion, Mr. Bell, that if it ever gets to the place where the farmers' board shall file a certificate contemplated by this amendment, then it seems to me it will be so desperate that the possibility of resumption, contemplated by this proposed amendment, will practically fade out of the picture. And it seems to me, when that happens, it amounts virtually to a concession on the part of the lessee that it can not make a fertilizer proposition go; therefore it ought to surrender possession of the plant.

To the same effect, and showing the reasonableness and fairness of the proposition made by the committee to induce the American Cyanamid Co. to execute a lease, I offer the following:

Mr. McSWAIN. Now, Mr. Bell, if you will refer to page 43 of this lease, paragraph H, section 1, you will find there that if this lease is terminated for any reason, even your own fault, through any default, conscious or purposeful, or unavoidable, then any additions you may have made to the steam plant or hydroelectric plant, or any power transmission devices, things of that sort that you yourselves may have put there in the prosecution of this business, the United States is obligated to take off of your hands and pay for.

Mr. BELL. Yes.

Mr. McSWAIN. In addition, if for any reason under paragraph 2 the lease is terminated, then whatever you may have built in the way of equipment or whatever you have installed in the way of machinery to manufacture concentrated fertilizer, independent of what is described in paragraph 1 and of course not including what is described in paragraph 2 of section H, vests in the Government alone.

Mr. BELL. Yes.

Mr. McSWAIN. Now, here is the thing that keeps running through my mind: When that Niagara Falls and Warners, New Jersey, business was started, whoever put the money in then, although it was then an entirely experimental proposition 10 or 15 years ago—it was wholly experimental—whoever put the money in had confidence that it would succeed, and they knew if it did not they would lose the money, did they not?

Mr. BELL. Yes; and, if they won, they would make more than 8 per cent.

Mr. McSWAIN. Yes. Now, after the lapse of all these years, we have every assurance it is not experimental, we have a greater assurance it will succeed; yet you are unwilling, you have not enough faith in the success of the fertilizer feature to say "if it does fail, I will get out of the way and let somebody else try their hand," and you won't even accept a proposition to be reimbursed for the particular investment you may have made in plants 1 and 2 for the manufacture of concentrated fertilizer. Does that not indicate you have not as much faith now in the power of your company to succeed in the manufacture of commercial fertilizer as the promoters had 20 years ago when they started that business at Niagara Falls, because they certainly did put in about \$20,000,000 of new money on an experimental venture and, if it had failed, the money would be gone.

Mr. FISHER. Was not that all brought about by the insistence of the committee to have a forfeiture clause put in, in the event it

failed; was not that brought about by the discussion and insistence of the committee upon a forfeiture clause?

Mr. McSWAIN. We are still discussing that same thing.

Mr. HOFFMAN. But in the original investment you have to take into consideration there was no limitation established upon the profit.

Mr. McSWAIN. I understand that is true.

Mr. HOFFMAN. It was a speculative enterprise; but, while it did offer the possibility of loss, it also offered the possibility of great profit.

Mr. McSWAIN. It occurred to me all the while that the fact there would be a possibility of profit here would justify a recapture with reimbursement. Now, Mr. Bell's original objection to that was dual; first of all, he said he did not believe Congress would pass it. Well, his proposition involves that same principle; we are promising him here to repay for the steam plants, the electric installations, power lines, and so on, under the original proposition. So the objection Congress would not agree to refund for any installation seems to me is at least inconsistent with other parts of the bill. In the next place, he said he did not want a claim against the Government hanging open in the future anyway. There are plenty of places in the bill contemplating claims upon the Government and, as the United States court would have the liquidation of the amounts, my observation here is that whenever any judgment has come in from a court, from the Court of Claims or any other court, there has been no trouble through the Appropriations Committee of getting the money. I am speaking with great frankness. I am telling everything that is in my heart and mind.

To show that the Committee on Military Affairs was justified in refusing to follow the Senate in turning over to the Secretary of Agriculture all fertilizer activities at Muscle Shoals, I extract the following as a sample of the views of the department, as expressed by Dr. F. G. Cottrell, head of the bureau for the fixation of atmospheric nitrogen:

Mr. McSWAIN. But, Doctor, sections 3 and 4, which are the fertilizer provisions of the Norris bill, contemplate a mere experimentation; and if any farmers anywhere in the United States are expecting fertilizer by the hundreds of thousands of tons to come from Muscle Shoals under this bill, are they not doomed to disappointment; because all that will come from Muscle Shoals under the operation of this bill will be bulletins telling fertilizer manufacturers how they can produce a fertilizer cheaper; and, therefore, how they can make a bigger margin of profit between the cost of production and the price of sale to the farmer? That is the real truth of this bill, when stripped of all other significance, is it not?

Doctor COTTRELL. No; I should not say so. While I am not enthusiastic, and never have been enthusiastic, on attempting to carry the Government into large-scale production, if our success with the experiments that we shall carry out there is large enough to justify our going forward with larger construction, or even operating the plant to its full capacity, we will say, on the cyanamide, and producing these newer types of fertilizers, particularly if we can find an outlet for them so that they will move, and they do cut the cost, and private industry does not come in and beat us to it, which we rather hope they will—that is to say if we can set a lower cost, I should hope that our success would lead private industry to come in and compete with us, and gradually undersell us to the point where we could stop, eventually; and that is what I meant by saying that I hoped any provision of this kind would not commit the Government to a definite program of manufacture itself.

Mr. McSWAIN. That is very candid. So that just as soon as these experiments, paid for out of the Public Treasury, show private manufacturers of fertilizer how they can make it cheaper and they commence to make it cheaper the Government will quit; and then the Government being out of the business the private manufacturer, having no longer a competitor, will put his prices back to the original figures, and the farmer will be just where he has been all the time; and his vaunted friends, north, south, east, and west, will see that they have walked into a trap, it seems to me. We have been thinking he would get actual mass production of fertilizer down there. He may be disappointed, but I am certainly not going in when the promise is so obviously delusive as it is here. That is all.

The final impasse between Mr. Bell, president of the American Cyanamid Co., and the committee, I extract the following from the hearings had before the committee on Monday, March 19, 1928:

Mr. McSWAIN. Mr. Bell, you recognize, of course, that before you can do all these very desirable things that in your heart and mind you believe you can do and wish to do, this bill would have to go through the House of Representatives and receive a majority of the votes; it would have to go through the Senate and receive a majority of the votes there; and it would have to be approved by the President.

Mr. BELL. Yes.

Mr. McSWAIN. We have got a practical situation before us.

Mr. BELL. I know.



Mr. McSWAIN. And not a theoretical one to meet. We have got to face the fact the Senate has already voted, and the argument could be made and would be made that whether the Senate bill was wise or foolish, yet under that bill Congress retains the control of the property, whereas, under this bill, if this bill were reported unamended, without something in it in the way of a recapture clause, Congress would lose control of the property. And as between those alternatives it seems to me that a majority of the House and a majority of the Senate would find great difficulty in ever coming to the proposal of the lessee here.

Mr. WAINWRIGHT. We are faced with the contingency of complete failure on your part. You have got entire confidence in your successful operation, based upon your experience. Let us assume that we have entire confidence in you; and I think that the consideration that we have given to your measure would rather imply that we had a great deal of confidence in you.

Mr. BELL. I appreciate that very much.

GEORGE W. BOYER

The next business on the Private Calendar was the bill (S. 2657) for the relief of George W. Boyer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim of George W. Boyer, of Pine Grove, Pa., owner of the barge *Pine Grove*, against the United States of America for damages alleged to have been caused by collision on December 7, 1925, between said barge and the highway bridge at Coinjock, N. C., while said bridge was owned and operated by the United States, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such courts, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of said George W. Boyer, or against said George W. Boyer in favor of the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations, with the same right of appeal: *Provided*, That notice of any suit brought by George W. Boyer by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia, at Norfolk, to appear on behalf of the United States and protect and defend its interests: *Provided further*, That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

E. A. CLATTERBUCK

The next business on the Private Calendar was the bill (H. R. 4619) for the relief of E. A. Clatterbuck.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. A. Clatterbuck, of Warrenton, Va., the sum of \$24.65, being the amount due him for housing in the post-office building at Warrenton, Va., 49.3 tons of coal.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### SENATE BILLS REFERRED

Bills of the following titles were taken from the Speakers' table and, under the rule, referred to the appropriate committees, as follows:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; to the Committee on Flood Control.

#### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. J. Res. 217. An act providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; and

H. J. Res. 253. An act authorizing certain customs officials to administer oaths.

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, March 31, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 31, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON PATENTS

(10 a. m.)

To protect trade-marks used in commerce, to authorize the registration of such trade-marks and for other purposes (H. R. 11988).

##### COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10 a. m.)

To require the prompt rendition of accounts, and for other purposes (H. R. 12180).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

422. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of East Pass Channel from the Gulf of Mexico into Choctawhatchee Bay, Fla. (H. Doc. No. 209); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

423. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Hudson River, N. Y., below Hudson; and Hudson River, N. Y., with a view to deepening the channel in and near Haverstraw Bay (H. Doc. No. 210); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. S. 3194. An act to establish the Bear River migratory bird refuge; with amendment (Rept. No. 1094). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. S. J. Res. 46. A joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; with amendment (Rept. No. 1095). Referred to the Committee of the Whole House on the state of the Union.

Mr. DARROW: Committee on Naval Affairs. H. R. 5528. A bill to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign; without amendment (Rept. No. 1096). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. R. 12241. A bill to provide for the further development of voca-

tional education in the several States; without amendment (Rept. No. 1097). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 3893. A bill for the relief of Francis L. Sexton; with amendment (Rept. No. 1093). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11717) granting an increase of pension to William H. Gray; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; Committee on Ways and Means discharged, and referred to the Committee on Claims.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KINCHELOE: A bill (H. R. 12563) authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. GUYER: A bill (H. R. 12564) for the purchase of a site for and the erection of a post-office building at Paola, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12565) for the purchase of a site for and the erection of a post-office building at Osawatomie, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12566) for the purchase of a site for and the erection of a post-office building at Olathe, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12567) for the purchase of a site for and the erection of a post-office building at Humboldt, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12568) for the purchase of a site for and the erection of a post-office building at Garnett, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. GREGORY: A bill (H. R. 12569) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12570) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12571) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Inka, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12572) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12573) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggers Ferry, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTWRIGHT: A bill (H. R. 12574) to extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases; to the Committee on Indian Affairs.

By Mr. KINDRED: A bill (H. R. 12575) providing for a Federal and narcotic hospital to be located in the State of New York; to the Committee on the Judiciary.

By Mr. UNDERHILL: A bill (H. R. 12576) amending the fraternal beneficial association law for the District of Columbia, as to payment of death benefits; to the Committee on the District of Columbia.

Also, a bill (H. R. 12577) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. BRIGHAM: A bill (H. R. 12578) to authorize certain carriers to extend credit on freight transported; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKBEE: Joint resolution (H. J. Res. 257) providing for the sale of postage stamps at places other than the post office or its branches, and for other purposes; to the Committee on the Post Office and Post Roads.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of New Jersey, urging the authorization of the issuance of a special series of postage stamps to commemorate the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 12579) for the relief of John Callaghan; to the Committee on Claims.

By Mr. BEERS: A bill (H. R. 12580) granting an increase of pension to Mercy A. Wilson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12581) granting an increase of pension to Rebecca S. Bloom; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 12582) granting an increase of pension to Jennie C. Bennett; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12583) granting compensation to Ellen E. Williams; to the Committee on World War Veterans' Legislation.

By Mr. CROWTHER: A bill (H. R. 12584) granting an increase of pension to Isabella J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12585) granting an increase of pension to Christine Abeling; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 12586) granting a pension to Sarah A. Lansing; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12587) granting a pension to Anna Mae Banning; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 12588) granting an increase of pension to Amy C. Kolb; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 12589) granting an increase of pension to Frances M. Moon; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 12590) granting an increase of pension to Jennie G. Murphy; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 12591) granting a pension to Nora Cathcart; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12592) for the relief of Thomas L. Durocher; to the Committee on Claims.

By Mr. LEA: A bill (H. R. 12593) for the relief of Edward McOmber; to the Committee on Military Affairs.

By Mr. MOORMAN: A bill (H. R. 12594) granting a pension to Charles Steffey; to the Committee on Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 12595) granting an increase of pension to Anna B. Ellis; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 12596) for the relief of Henry M. Dugan; to the Committee on Claims.

By Mr. SCHNEIDER: A bill (H. R. 12597) for the relief of Carl O. J. Bujack; to the Committee on Naval Affairs.

By Mr. SHREVE: A bill (H. R. 12598) granting an increase of pension to Louisa C. Aggers; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 12599) authorizing the appointment of Lewis W. Glossinger as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 12600) granting a pension to Catherine M. Elliott; to the Committee on Invalid Pensions.



By Mr. WILLIAMS of Illinois: A bill (H. R. 12601) granting a pension to Lewis Saunders; to the Committee on Pensions.  
By Mr. WILLIAMS of Texas: A bill (H. R. 12602) granting a pension to John Sharp Porter; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6226. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, favoring increase of pension to widows of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

6227. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, favoring the passage of House Joint Resolution 213, declaring the Star-Spangled Banner to be the national anthem; to the Committee on the Judiciary.

6228. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, favoring the passage of House Joint Resolution 11, relating to proper flag code; to the Committee on the Judiciary.

6229. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, in regard to Fort Wayne, located in Wayne County, Mich., being made a national park; to the Committee on Military Affairs.

6230. By Mr. AYRES: Petition of citizens of Newton, Kans., in behalf of legislation favorable to Civil War veterans and widows; to the Committee on Invalid Pensions.

6231. By Mr. BACON: Petition of Sarah A. Ruland and others, of Northport, Long Island, N. Y., favoring Civil War increase pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6232. Also, petition of George W. James and others, of Huntington, Long Island, N. Y., favoring Civil War pension increase bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6233. Also, petition of M. G. Terry and others, of Stony Brook, N. Y., in support of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6234. By Mr. BECK of Wisconsin: Petition signed by residents of Baraboo, approving the Lankford bill; to the Committee on the District of Columbia.

6235. Also, petition of sundry citizens of Wisconsin approving the Shipstead bill; to the Committee on Immigration and Naturalization.

6236. Also, petition signed by residents of Rockland and Bangor, Wis., protesting against the Lankford compulsory observance bill; to the Committee on the District of Columbia.

6237. Also, petitions signed by residents of La Crosse and Granton, Wis., also Wyeville and Tomah, also Adams and Neillsville, favoring Civil War pension bill; to the Committee on Invalid Pensions.

6238. Also, petition signed by residents of Viroqua and Madison, Wis., favoring Civil War pension bill; to the Committee on Invalid Pensions.

6239. Also, petition signed by residents of Wisconsin, favoring Civil War pension bill; to the Committee on Invalid Pensions.

6240. By Mr. BRIGHAM: Petition of Mina T. Conant, Mrs. Alfred F. Brainerd, and 56 other citizens of Burlington, Vt., urging passage of legislation for Civil War widows and veterans; to the Committee on Invalid Pensions.

6241. By Mr. BUCKBEE: Petition of Mrs. Frank Rolfe and 130 other citizens of De Kalb, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6242. By Mr. BURTON: Resolution of Palacky Lodge, No. 317, Knights of Pythias, Cleveland, Ohio, adopted at their meeting on March 27, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6243. By Mr. COOPER of Ohio: Resolution of Tod Post, No. 29, Grand Army of the Republic, of Youngstown, Ohio, favoring Civil War Pension bill; to the Committee on Invalid Pensions.

6244. By Mr. CROWTHER: Petition of citizens of Ames, N. Y., for passage of House bill 11410; to the Committee on the Judiciary.

6245. Also, petition of residents of St. Johnsville, N. Y., for pension legislation; to the Committee on Invalid Pensions.

6246. By Mr. DRIVER: Petition signed by citizens of Madison and Palestine, Ark., urging action by Congress on the legislation for the relief of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6247. By Mr. GALLIVAN: Petition of Universal Winding Co., Frederick H. Bishop, vice president, 95 South Street, Bos-

ton, Mass., protesting against the Vestal trade-mark bill (H. R. 6683); to the Committee on Patents.

6248. By Mr. HICKEY: Petition of Mary Newcome and other residents of Michigan City, Ind., urging passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6249. Also, petition of M. L. Thomas and other residents of La Porte County, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6250. Also, petition of H. C. Wise and other residents of Hibbard, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6251. By Mr. KINDRED: Petition of the Legislature of the State of New York, urging Congress to provide a suitable institution in New York State in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

6252. By Mr. LEATHERWOOD: Petition signed by W. P. Mortensen and others, of Salt Lake City, Utah, favoring the Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6253. By Mr. LINDSAY: Petition of Charles H. Demarest (Inc.), New York City, favoring the Hawes-Cooper bill, inasmuch as it is of advantage to the broom industry which suffered business depression in past years; to the Committee on Interstate and Foreign Commerce.

6254. Also, petition of A. Nemser, M. D., D. D. S., Brooklyn, N. Y., urging that everything possible be done to secure enactment of Senate bill 777, referred to as Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

6255. Also, petition of American Foundation for the Blind (Inc.), New York City, favoring passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6256. By Mr. McKEOWN: Petition of W. W. Ives, J. W. Pegg, and other citizens of Allen, Okla., urging the immediate passage of a bill carrying an increase in Civil War pensions; to the Committee on Invalid Pensions.

6257. By Mr. MICHENER: Petitions of sundry citizens of Jackson, Mich., indorsing Civil War pension bill, providing increased pensions for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6258. By Mr. MURPHY: Petition of Nancy J. Shepherd and 26 other residents of Barnesville, Belmont County, Ohio, asking for the passage of the Civil War pension bill, carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6259. Also, petition of Mary A. Wright and 47 other residents of Klondyke, Ohio, asking for the passage of the Civil War pension bill, carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6260. By Mr. O'BRIEN: Petition of the voters of Lumberton, W. Va., favoring the Civil War pension bill, carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6261. Also, petition of the voters of Enterprise, Harrison County, W. Va., favoring the Civil War pension bill, carrying rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6262. By Mr. O'CONNELL: Petition of Charles H. Demarest (Inc.), New York City, favoring the passage of the Hawes-Cooper bill, which divests prison-made products of their interstate character; to the Committee on Labor.

6263. Also, petition of the Schaeffer Street Civic Association, Brooklyn, N. Y., opposing the removal of the Brooklyn (N. Y.) Navy Yard; to the Committee on Naval Affairs.

6264. By Mr. RAMSEYER: Petition of citizens of Mahaska County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6265. By Mr. SELVIG: Petition of Fred Joloszynski and 40 adult citizens of Winner, Roseau County, Minn., and vicinity, protesting against the passage of House bill 78 or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

6266. By Mr. SHREVE: Petition by Mary A. Phillips and other residents of Erie, Pa., for the passage of the Civil War pension bill sponsored by the National Tribune; to the Committee on Invalid Pensions.

6267. By Mr. STRONG of Kansas: Petition of Joanna Thompson and 130 citizens of Junction City, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6268. Also, petition of Marie Rolph, of Concordia, Kans., urging immediate passage of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6269. By Mr. SWING: Petition of residents of San Diego, Calif., for the relief of Civil War veterans and widows; to the Committee on the District of Columbia.

6270. Also, petition of citizens of San Bernardino, Calif., for the relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

6271. By Mr. THOMPSON: Petition of voters of Henry County, Ohio, urging that immediate steps be taken by Congress to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, and that hearty support on the part of the Senators and Representatives in Congress be accorded this legislation; to the Committee on Invalid Pensions.

6272. By Mr. WHITE of Colorado: Petition of Dr. M. L. Rice, president Colorado Conference of Seventh Day Adventists, containing 1,112 signatures, protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6273. By Mr. WOODRUFF: Petition of citizens of the tenth Michigan district, in opposition to House bill 78; to the Committee on the District of Columbia.

## SENATE

SATURDAY, March 31, 1928

(Legislative day of Friday, March 30, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 43. An act for the relief of Frederick N. Carr;  
S. 46. An act for the relief of Daniel F. Roberts;  
S. 138. An act for the relief of Thomas Johnsen;  
S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink; and

S. 2657. An act for the relief of George W. Boyer.

The message also announced that the House had passed the bill (S. 380) for the relief of Charles H. Niehaus, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 852. An act authorizing the issuance of a certain patent;  
H. R. 1529. An act for the relief of the heirs of John Eimer;  
H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Clafin, and Edwin A. Wells;

H. R. 1627. An act for the relief of Abram H. Johnson;  
H. R. 2473. An act for the relief of Louie June;  
H. R. 2530. An act for the relief of William H. Nightingale;  
H. R. 2658. An act for the relief of Finch R. Archer;  
H. R. 2821. An act for the relief of John Heinzenberger;  
H. R. 3029. An act for the relief of Vern E. Townsend;  
H. R. 3170. An act for the relief of Franklin B. Morse;  
H. R. 3892. An act for the relief of George W. Sampson;  
H. R. 4204. An act for the relief of Thomas M. Richardson;  
H. R. 4619. An act for the relief of E. A. Clatterbuck;  
H. R. 4653. An act for the relief of Virgil W. Roberts;  
H. R. 4687. An act for the relief of Albert Campbell;  
H. R. 4925. An act for the relief of John M. Savery;  
H. R. 5897. An act for the relief of Mary McCormick;  
H. R. 5944. An act for the relief of Walter D. Lovell;  
H. R. 5981. An act for the relief of Clarence Cleghorn;  
H. R. 6152. An act for the relief of Cromwell L. Barsley;  
H. R. 6360. An act for the relief of Edward S. Lathrop;  
H. R. 6704. An act for the relief of Harry Pincus;  
H. R. 6930. An act for the relief of E. C. Howze;  
H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7230. An act for the relief of Charles L. Dewey;  
H. R. 7518. An act for the relief of the Farmers National Bank of Danville, Ky.;

H. R. 8034. An act for the relief of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C.;

H. R. 8185. An act for the relief of the Great Western Power Co. of San Francisco, Calif.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8487. An act to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9334. An act for the relief of Morris J. Lang;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 9712. An act for the relief of Curtis V. Milliman;

H. R. 9722. An act for the relief of Allen Nichols;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10327. An act for the relief of Charles J. Hunt;

H. R. 10502. An act for the relief of J. B. Holder;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers; and

H. J. Res. 147. Joint resolution for the relief of the estate of the late Max D. Kirjasoff.

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro;

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended;

H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; and

H. J. Res. 253. Joint resolution authorizing certain customs officials to administer oaths.

### DEATH OF SENATOR FRANK BARTLETT WILLIS

Mr. FESS. Mr. President, it is my sad duty to announce the death of my colleague, Hon. FRANK BARTLETT WILLIS, which took place last night in his home town of Delaware, Ohio. At some future time I shall ask the Senate to set apart a day on which fitting tribute may be paid to his life, character, and public services. At present I send to the desk resolutions for which I ask immediate consideration.

The VICE PRESIDENT. The resolutions will be read by the Chief Clerk.

The resolutions (S. Res. 186) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

*Resolved*, That a committee of 10 Senators be appointed by the Vice President to attend the funeral of the deceased Senator.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee under the second resolution the Senator from Ohio [Mr. FESS], the Senator from Kansas [Mr. CURTIS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Washington [Mr. DILL], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut